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PROCEEDINGS AND DEBATES OF THE 103<sup>d</sup> CONGRESS, SECOND SESSION

## SENATE—Tuesday, February 8, 1994

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

### PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

\* \* \* *what the law could not do, in that it was weak through the flesh* \* \* \*.—Romans 8:3.

Almighty God, eternal in the heavens, help us comprehend the limitations of law. The Apostle Paul revered the law to which he referred, the Law given to Moses, the Torah, the Creator's design for life as it was created to be. Even that perfect Law of God has its limitations because of "the weakness of the flesh."

Ruler of the nations, help us see that the deepest crisis in history is a spiritual-moral crisis. We trust in the gods of our own invention—or in ourselves as gods. We fail to take seriously the God who created us, who engraved on the human heart through conscience the same Law He engraved on the tablets of stone for Moses—the God who endowed us with "certain unalienable rights."

Eternal God, perfect in truth, justice, righteousness, and love, teach us to trust You rather than the gods of our invention—the little gods of manmade religion, whatever its label. Teach us to trust the true God who transcends, by infinity, the transitory gods of human imagination. Help us to put our faith in the God who created us, not the gods we create.

In His name who is the Way, the Truth, and the Life. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 8, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

### GOALS 2000: EDUCATE AMERICA ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1150, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Coats Amendment No. 1386, to provide a low-income school choice demonstration program.

(2) Grassley Modified Amendment No. 1388, to prohibit the use of certain funds for activities related to a student's personal values, attitudes, beliefs, or sexual behavior without certain consent, notification, access to information, and an opportunity for a

hearing, to provide for enforcement of such prohibition, and to require the Secretary of Education to designate or establish an office and review board within the Department of Education.

(3) Mack Amendment No. 1389, to achieve significant school reform and innovation through empowering parents, students, teachers, and local school boards.

(4) Helms Amendment No. 1390, to prohibit the use of funds to support the distribution or provision of condoms or other contraceptive devices or drugs to an unemancipated minor without the prior written consent of such minor's parent or guardian.

(5) Kennedy/Jeffords Amendment No. 1393, to ensure that all federally funded programs which provide for the distribution of contraceptive devices to unemancipated minors develop procedures to encourage family participation in such programs.

(6) Levin Amendment No. 1394, to provide that no funds shall be denied to any State or local agency because it has adopted a constitutional policy relative to prayer in public schools.

(7) Jeffords/Gregg/Dodd Amendment No. 1420, to express the sense of the Senate that the Federal Government should provide States and communities with adequate resources under the Individuals with Disabilities Education Act as soon as reasonably possible, through the reallocation of funds within the current budget constraints.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. is equally divided and controlled by the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Massachusetts [Mr. KENNEDY], or his designee.

Who yields time?

Mr. JEFFORDS. Madam President, I yield to the Senator from Alaska such time as he may consume.

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that amendments are not in order.

Mr. MURKOWSKI. Based on my understanding with the floor manager, this amendment had been cleared by the committee of jurisdiction, the Committee on Indian Affairs, and cleared as well by the Labor Committee. I ask the Parliamentarian to re-

view her comments with regard to the amendment, because it is my understanding that it has been cleared by unanimous consent.

Mr. JEFFORDS. If the Senator will yield, what bill are we amending?

Mr. MURKOWSKI. S. 1361, the school-to-work bill.

The ACTING PRESIDENT pro tempore. The Senate is currently considering S. 1150.

Mr. JEFFORDS. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. JEFFORDS. Madam President, I yield to the Senator from Alaska such time as he may consume.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. I would appeal again to the Parliamentarian relative to the amendment that I am prepared to offer. My amendment would attach S. 1059, the Alaska Native Culture and Arts Development Act, to S. 1361.

The ACTING PRESIDENT pro tempore. If the Senator obtains unanimous consent, it would be in order to offer the amendment.

Mr. MURKOWSKI. The Senator would ask unanimous consent.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair and I thank the Parliamentarian and floor managers.

#### SCHOOL-TO-WORK OPPORTUNITIES ACT

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator from Alaska that we need to move to the bill.

The clerk will report

The legislative clerk read as follows:

A bill (S. 1361) to establish a national framework for the development of the school-to-work opportunities systems in all States, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Gorton Amendment No. 1429, to encourage the placement of youths in private sector jobs under the Summer Youth Employment and Training Program.

(2) Kassebaum (for Coverdell) Amendment No. 1432, to prohibit the use of funds for School-to-Work Opportunities programs until the deficit increase resulting from fiscal year 1994 emergency spending is eliminated.

(3) Kassebaum (for Dole) Amendment No. 1433, to express the sense of the Senate re-

garding a limitation on the amount of funds appropriated to carry out School-to-Work Opportunities programs.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

#### AMENDMENT NO. 1434

Mr. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself and Mr. STEVENS, proposes an amendment numbered 1434.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

#### SECTION 1. SHORT TITLE.

This Act may be cited as "Alaska Native Culture and Arts Development Act".

#### SEC. 2. ALASKA NATIVE ART AND CULTURE.

Section 1521 of the Higher Education Amendments of 1986 (20 U.S.C. 4441) is amended to read as follows:

#### "PART B—NATIVE HAWAIIANS AND ALASKA NATIVES

#### "SEC. 1521. PROGRAM FOR NATIVE HAWAIIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

"(1) primarily serves and represents Native Hawaiians or Alaska Natives, and

"(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

"(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,

"(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or

"(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.

#### "(c) MANAGEMENT OF GRANTS.—

"(1) Any organization or institution which is the recipient of a grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

"(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,

"(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,

"(C) include the president of the University of Hawaii,

"(D) include the president of the Bishop Museum, and

"(E) serve for a fixed term of office.

"(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,

"(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

"(C) serve for a fixed term."

Mr. MURKOWSKI. Madam President, I rise today to offer an amendment on behalf of Senator STEVENS and myself to S. 1361, the school-to-work bill.

The amendment would attach S. 1059, which is the Alaskan Native Culture and Arts Development Act to S. 1361.

The Alaska Native Culture and Arts Development Act was introduced by Senator STEVENS and myself on May 28, 1993, and was referred to the Senate Committee on Indian Affairs.

Through the efforts of the chairman and the ranking member, the committee favorably reported the bill on November 17, 1993 and on November 20, 1993 the bill passed the Senate.

The amendment I am offering today amends the Native Hawaiian Culture and Arts Development Act by making the act apply also to Alaska Native arts and culture development as it does for native Hawaiians.

Mr. President, since the early 1980's statewide representatives of Alaska Native organizations have conducted planning efforts to establish a statewide Alaska Native Cultural Center under the auspices of the Alaska Native Heritage Park.

The proposed park's objectives are: To preserve, portray, and transmit Alaska's Native heritage; to educate and foster understanding and appreciation of native arts and culture among Alaska Natives and non-natives; and to promote pride and self-esteem among Alaska Natives.

Delegates to the Alaska Federation of Natives Conventions—representing 90,000 Alaska Natives—have continually adopted resolutions supporting the Alaska Native Heritage Park and creation of an Alaska Native Cultural Center.

Native elders throughout the State have been engaged in planning efforts that will ensure the authenticity of the program's design.

Mr. President, the amendment I am offering today has already passed the Senate. My amendment is noncontroversial and has the support of the Senate Committee on Indian Affairs.

I would like to thank Senator KASSEBAUM and Senator KENNEDY for supporting my amendment and compliment them on their efforts to protect and enhance Alaska's Native heritage.

It is my understanding that this amendment is noncontroversial and has the support of the Senate Committee on Indian Affairs.

I want to thank my colleagues, Senator KASSEBAUM and Senator KENNEDY,



the floor managers, for allowing the amendment to come up and accommodating me.

I would ask for its immediate consideration.

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

Madam President, both sides of the aisle have examined this amendment and have no problem with it. Therefore, I would ask at this time that it be appropriate that we vote.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 1434) was agreed to.

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

#### GOALS 2000: EDUCATE AMERICA ACT

The ACTING PRESIDENT pro tempore. Without objection, the Senate will return to consideration of S. 1150.

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

At 10 o'clock, we will vote on five outstanding amendments to S. 1150, the Goals 2000: Educate America Act. Senator GRASSLEY's amendment, on which we had considerable discussion last Friday, has been modified to reflect an agreement reached by all sides. The other four amendments were debated at length during Friday's session and we will vote on them later.

I hope that upon disposition of these amendments and those related to the school-to-work bill, we can move expeditiously to consideration and disposal of the Levin amendment, which will be controversial.

Final passage on this critical piece of legislation has been delayed long enough. It has been 10 years, by my count, since the report "Nation at Risk" brought the public's attention to the serious state of our Nation's schools.

Today, we will have an opportunity to design and go forward to establish a program to eliminate the serious deficiencies in education. Whether or not it will be a success, we do not know. But I am hopeful that, rather than just pass another bill which will outline all the wonderful things we would like to do, it will turn into a meaningful path to get to where we want to be.

Last week's debate proved that interest in education reform remains high. While we may argue about the best method to achieve reform, there is no debate that reform must occur. Indeed, some of the amendments offered by my colleagues reflect the differences of

opinion about how to achieve the goal of school reform. Though not all of the changes were accepted, those amendments included in the final package will improve and strengthen this legislation, and I praise my colleagues for their efforts in so doing.

S. 1150 represents a bipartisan consensus and reinforces the notion that States and towns are responsible for education and restructuring. We have not tampered with that basic American belief. Thanks, in part, to the amendments offered by Senator GREGG, the bill makes clear that the Federal role in education is limited to financial incentives and replication of model programs. The bill also includes regulatory flexibility, grants to schools to prevent violence, and other changes to improve the legislation.

We have a strong bill and something to be proud of. But let us not make this bill a hollow promise. The future of our next generation depends upon the education it receives from our schools. We cannot, in good conscience, codify these goals without providing the adequate resources to achieve them.

I think it is an investment and one that we simply must make. I stand ready to make education a higher priority in the Federal budget than it is now and to provide the resources that will produce the tangible results for our young people. This is what Goals 2000 means to me—the start of real action to improve America's educational system.

Madam President, I want to take a few moments to thank all of the Members and their staffs that made passage of this bill possible.

First, let me thank and commend my colleague, Senator KENNEDY. Passage of this legislation could not have been possible without his leadership. And let me thank his staff, in particular, Ellen Guiney, Clayton Spencer, Matt Alexander, Ron Weich; Senator PELL and his staff, David Evans and Michael Dannenberg; Senator KASSEBAUM, and her staff, Lisa Ross and Wendy Cramer; and I thank my own staff, especially Pamela Devitt and Katie Henry.

Madam President, at this time, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we are on the threshold of an important moment for education reform in this Nation. When we pass this bill today, with strong bipartisan support, we will be changing the way that the Federal Government supports the revitalization of local schools in every school district in America.

We will also have ended congressional gridlock on education reform, for not only will we pass Goals 2000, the education reform legislation, the first

such legislation that has successfully made it through the Congress since the national goals were set in 1989, but today we will also act on the Safe Schools Act that was put forward by our friend and colleague Senator DODD; the School-to-Work Act, which I will talk more about later and which was really energized by our good friend Senator SIMON and others; and the Office of Education Research and Improvement legislation, which will represent the first time that we have really ensured that this agency will be equipped to do the kind of research that it was initially set up to do, and which is a bill that has been awaiting passage for over 3 years. In a single day, we will lay much of the foundation for lifelong learning in this country.

In passing Goals 2000, we will also have successfully responded to the challenge of Eileen Shakespeare, a dedicated teacher at the Fenway School in Boston, who told me, "If I could ask you to take a single message back to Washington it would be this: Please have a sense of urgency about what we are doing here with students, and help us."

This bill responds to that plea. It is a major step toward meeting the urgent needs of hundreds of thousands of innovative teachers and students and school administrators in every community in America. We are seeding a new and different partnership to support innovative and creative educators in classrooms across the country.

Goals 2000 will establish new standards informing schools about what every student should know in core subjects like English, history, mathematics, and science.

It provides new leadership and a new blueprint for school reform by moving Federal, State, and local governments in the same direction on education.

It increases flexibility for States and school districts by waiving regulations that impede reform.

It emphasizes the importance of quality teaching.

It supports expanded involvement of parents and communities in local school reform.

It assures accountability by emphasizing results and the importance of assessing school and student progress.

It keeps education decisionmaking where it belongs, at the local level, with parents and teachers and local educators.

It will bring lasting improvements to the quality of the work force by promoting the development of occupational standards intended to ensure that workers are the best trained in the world.

Above all, it promotes bottom-up school reform by supporting activities at the local school level. If the Pentagon can conduct a Bottom-Up Review to get its house in order, so can education.

I commend my colleague from Vermont, Senator JEFFORDS, for his impressive leadership on this bill. He has worked skillfully and tirelessly in this bipartisan effort. I thank the chairman of our Education Committee, CLAI-BORNE PELL, who, as I mentioned at the opening of the discussion and debate, has had a lifelong commitment to strengthening education, at the elementary and secondary level, as well as at the postsecondary level, including the transition from school to work. I also thank Senator KASSEBAUM, and I thank Senator MITCHELL as well, for moving this legislation so expeditiously at the beginning of this year.

This has been a long and deliberative process. In 3 days we have adopted 50 amendments, 46 by voice vote. We have rejected only one. I think we have made this a better bill but have left its essence intact: A framework for high academic standards, locally developed, and implemented with our support.

I want to thank in particular the members of our staffs that have worked so well on this. My own staff, Ellen Guiney, Clayton Spencer, Matt Alexander, and Ron Welch; David Evans and Michael Dannenberg of Senator PELL's staff; Pam Devitt and Katie Henry of Senator JEFFORDS' staff; Lisa Ross and Wendy Cramer of Senator KASSEBAUM's staff.

Madam President, I will mention briefly again what we really hope will be accomplished with Goals 2000. Effectively, this legislation does eight things.

First of all, it sets into law the six national education goals and a bipartisan National Education Goals Panel to report on progress toward achieving the goals. The goals have been adopted unanimously by the Governors. This legislation writes the goals into law, and it will allow us to assess what progress we are making toward achieving those goals in a way that the country can see and understand.

Second, we will establish a process to certify, through the National Education Standards and Improvement Council, voluntary academic standards in core subjects that are meaningful, challenging, and appropriate for all students.

We will identify the conditions of learning and teaching necessary to ensure that all students have the opportunity to meet high standards.

We also will approve new assessments that are voluntarily presented to the National Education Standards and Improvement Council, assessments that can accurately measure performance on the new and challenging content standards. So we are establishing world class standards and also creating effective kinds of assessments so that parents and children, teachers, members of the education community, and the entire country, will understand, really for the first time, what progress we are

making in education at the elementary and secondary level.

We will establish the National Skills Standards Board to promote the development and adoption of occupational standards to ensure that American workers are among the best trained in the world. We are establishing world class standards for elementary and secondary education, and we are also setting high standards in terms of job skills. Later in the day we will pass the school-to-work legislation which complements Goals 2000.

We will provide resources to help States and local communities initiate their own local reform measures to create innovative schools and to ensure that students reach the standards. We emphasize moving resources down to the local level as soon as possible to ensure that there really is bottom-up reform, with support from the top.

We will increase flexibility for States and school districts by waiving regulations and other requirements that might impede school-based reform. We believe that this will encourage a lot of energy and creativity at the local level. I think most of us who have had the opportunity to talk with teachers and parents will understand the importance of supporting this kind of effort.

We will also create an Office of Technology within the Department of Education, which will give States grants to develop technology plans. We will have follow-up legislation, S. 1040, which will help our neediest schools by giving them grants to provide technology in the classroom, give loans to those school districts which are more affluent, and establish training programs for teachers. We not only need new technologies, but we also need to improve training efforts for teachers, so they can utilize these new technologies to enhance academic achievement for our young people.

Madam President, I think we have a good program here. We are grateful to all of our colleagues for their support and for their efforts and for the consideration which they have given to this legislation.

I know Senator EXON wishes to address the Senate, so I will withhold further comments at this time and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. EXON. May I ask the Chair, are we under controlled time?

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator from Massachusetts controls 11 minutes, the Senator from Vermont controls 11 minutes 53 seconds.

Mr. EXON. I would like 5 minutes to discuss the matter before us and other matters I could take up in that time.

Mr. KENNEDY. I yield 5 minutes.

Mr. EXON. I thank my colleagues and I thank the Chair. Let me start, Madam President, by saluting the Sen-

ator from Massachusetts and the Senator from Vermont for this particularly excellent job I think they have done on this piece of legislation, Goals 2000. I will support the legislation. It is not a perfect piece of legislation but seldom do we pass perfect legislation in this body.

I really, firmly believe that education is so important. Through the efforts of these two Senators and their staffs and others we are making an important step in the right direction to improve education in the United States of America while assuring the decision-making process is maintained at the local level, with the local school board. I think that particular position cannot be overemphasized.

#### BOSNIA

Mr. EXON. Madam President, I will now turn to another subject, an overriding international subject that is on the minds of many Americans and many of us in the House and Senate this day. That has to do with Bosnia.

Madam President, I have discussed this matter before. I say again, I hope that we will listen to the advice of our military leadership and never, ever commit American ground troops to be involved unilaterally or as a part of a United Nations effort to restore order there until and unless there is a ceasefire that looks like it has a chance to hold. That is not in the offing as of now.

I will simply say to the President and our other decisionmakers that I hope we will be very careful and very cautious as to what we do and not do. Naturally, with the recent atrocities that happened there—the killing of civilians—there is a tendency to move and move now.

I will simply sum up my position by saying that we should not get further involved there unless and until we think through what the ultimate situation might be. I think it might best be summed up, in my mind at least: Do not go without a workable goal.

Let me repeat that: Do not go without a workable goal.

The superpower of the United States of America cannot and should not be involved as the ultimate policeman of the world. On many occasions, I have said that I am fearful that we are becoming the police force of the United Nations. The United Nations has done a lot of good over there, I think, in many things, and certainly the efforts of the United Nations today have alleviated some of the problems there.

But if we are going to enter into some arrangement with the United Nations and limit that only to selected bombing of gun emplacements of the Serbs around Sarajevo, then I think the word of our military leadership that has been stated over and over again will likely come to pass: It will not be effective.



I simply say in using the phrase "do not go without a workable goal" that we should tell the United Nations, we should tell our allies in NATO that if we are going to be involved in such a situation with them, we have to look beyond as to what will happen if the selected bombing raids do not work, which I suspect they will not for a variety of reasons.

I simply say, Madam President, that unless the United Nations and unless our NATO allies are willing and agreeable to what would happen as the next step if the selected bombing in the combat area does not work, what do we do then, it seems to me that we ought to cross that bridge that has been talked about very little. If the bombing starts there and it does not work, then I think we have a responsibility, in conjunction with the United Nations and our NATO allies, to agree we would talk about bombers and other warmaking potential of the Serbs throughout the former state of Yugoslavia, even to Belgrade itself.

I am talking about warmaking essentials—communications, railroad yards, factories and everything else that has gone into the success of the Serbian aggression and ethnic cleansing, if you will, in that troubled part of the world. I think we should go slow, we should go carefully. Last week, the week before last, I chaired a meeting in the Armed Services Committee with our counterparts in the armed services committees of our NATO allies.

I will sum up by saying I think there was much diversion, discussion, and division among our NATO allies, as there probably is in the United States. Unless we have a clear policy thought through that can have a chance of winning, I say, do not go.

In closing, Madam President, let me say once again I simply warn, while some action might be in order, I suggest that the United States of America not go without a winnable goal. I thank my colleagues for yielding me the time, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Massachusetts.

#### GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Madam President, I yield myself 4 minutes.

Just to review for the membership exactly where we are, we will commence voting at 10 o'clock and the first vote will be on a school choice amendment by Senator COATS. Our position is in opposition to this. We addressed this issue in 1990. We had a good debate on this at the end of last week. We believe that scarce resources should not be utilized for private schools but should be focused on the public schools of this

country. That position is supported overwhelmingly by the American people.

Second, we will have a Grassley amendment to protect the parental role in surveys administered to children. I thank the Senator from Iowa. We support that amendment. We think it strengthens the Gephardt language which exists in current law.

Third will be Senator MACK's amendment on the role of the States. We oppose his position, and we are supported by the Governors, as well as the heads of the State agencies dealing with education. We hope that the Senate will reject this amendment.

Next will be the Helms amendment requiring parental consent for distribution or provision of condoms or other contraceptive devices or drugs or information about contraception. We recommend voting no, and instead we hope that the Senate will support an amendment which Senator JEFFORDS and I have offered restating the law which has been in effect since 1981, which involves parents to the extent possible. So we will vote on the Helms amendment first and then on the amendment which Senator JEFFORDS and I have offered.

Then there will be the Jeffords amendment, which is a sense of the Senate that does not impose unfunded mandates, of which we are in strong support.

Finally, there will be a Gorton amendment to the school-to-work legislation. The Senator from Washington would provide tax credits for the hiring of summer youth. We are in opposition to the Gorton amendment, and there will be a motion to table the amendment. We have tried to work this issue out. There may be changes in the Summer Youth Program, but this amendment would not really provide any kind of accountability, no assurance that at the end of the summer these young people would continue to work. We do not know how decisions would be made as to which companies would be able to get the approval of the young people. So we recommend tabling the Gorton amendment.

We will then move on to the Goals 2000 legislation. We still have pending the final passage of both Goals 2000 and the School-to-Work Program.

There are two or three items left: The Levin school prayer amendment to Goals 2000, and another amendment offered by the Senator from North Carolina relating to that; Senator DOLE's School-to-Work amendment on paying for the program; and Senator COVERDELL's amendment on paying for earthquake relief. We are still in the process of trying to work these out. I am hopeful we will be able to do so.

Again, I thank all of the Members for their attention. As I mentioned earlier, we worked out a great majority of the amendments, and we are thankful to

all of our colleagues. We are hopeful that we will be able to conclude consideration of both of these measures today. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

#### STATE GOVERNANCE OF SCHOOL-TO-WORK PROGRAMS

Mr. JEFFORDS. Madam President, I yield myself such time as I may consume.

Madam President, I rise to express my concern about a change in the provisions for State governance which was made in the substitute amendment to the committee bill. Specifically, the committee provided that the Governor of each State would apply for these grants, with the provision that plans for implementing a statewide school-to-work system would have to include evidence of support of the agencies and officials responsible for the different programs affected by the plan and their agreement with the plan. That provision is dropped in the substitute we are considering here, and I am concerned about what that means for assuring the commitment of State and local education agencies and resources which must be linked with Federal funds to provide effective programs. The committee bill included the provisions so that there was clear agreement by the education authorities presented to the Secretaries in considering the application and grant approval.

We must be certain there are affirmative agreements from education authorities to make this program work. In many States, Governors do not have the authority to commit certain education resources or agree to provisions for education standards, certification, or quality controls assigned to chief State school officers and or State boards of education. In addition, there are provisions in the bill for waiver requests under Federal laws, such as chapter 1 and Perkins vocational training, which are under the authority of education agencies.

New systems for school-to-work transition are not going to work without the explicit agreement of the State education officials for those parts of the plan that involve their programs. We must be certain this Federal law does not override States rights in the governance of education.

Mr. KENNEDY. Madam President, I appreciate my colleague's concern here. As he knows, we have in the committee bill and the substitute amendment a provision that says, "Nothing in this Act shall be construed to supersede the legal authority of any State agency or official over programs that are under the jurisdiction of the agency or official." We strengthened that provision in the substitute amendment to assure that all the responsibilities recognized in Federal law and granted in State law are respected. The House

version of the bill contains the same provisions.

We also provided in the committee bill and the substitute that in approving these plans, the Secretaries of Labor and Education would give priority to applications that demonstrate the highest levels of collaboration among the various State agencies and officials in planning and implementing these systems. We strengthened the provision in the substitute amendment by including concurrence of these officials in that priority.

Mr. JEFFORDS. It is reassuring to know there are provisions to recognize State statutes and avoid unintentionally changing the responsibilities education agencies have under other Federal laws. However, we need more than a priority for concurrence among these officials and the Governor in the review of applications. That does not prohibit the Secretaries from approving grants to States where concurrence is not evident. Concurrence and explicit agreement, stated in the State plan, must be a condition for the Secretaries' approval. Without explicit statements of agreement, the Federal departments are in the business of judging the degree of agreement at the State level, and does not assure that the various education agencies and officials responsible for the programs affected by the plan are on board. There need to be something up from in the plan itself to show this agreement.

Mr. KENNEDY. I understand the Senator's concern and assure him this will be an issue we will address in conference with the House. Madam President, as you know, the House bill has provisions for education officials and agencies to approve the parts of the plan over which they have jurisdiction. We all know we are going to have to work out something that assures there is the broadest feasible agreement among all the responsible agencies and officials with the plan.

Mr. JEFFORDS. I thank the chairman. I appreciate his willingness to work with me on this. The provisions for planning and administration of these school-to-work systems at the State levels must reflect the kind of collaboration and explicit agreement that is demonstrated in this bill between the Federal Departments of Labor and Education. That is key to the success of this initiative across the States.

Madam President, I would like to make a few additional comments, as I see no other Members on my side of the aisle present at this time. I would like to say, again, that this is a critically important bill, the importance of which we cannot overestimate. I want to give some reasons as to why that is the case. Let me run through first some of the goals that we have established and where we are.

With respect to the first goal—by the year 2000 all children will start school

ready to learn—we find that there are many, many children who are not in that capacity at this point. We have, for instance, only a small percentage of our young children attending preschool, especially with respect to the economically underprivileged.

For instance, in 1991, only 37 percent of 2-year-olds had been fully immunized.

Less than half of all 3- to 5-year-olds from families with incomes less than \$30,000 were enrolled in preschool.

Fully 70 percent of the children eligible for Head Start go unserved.

Goal 2 can be a little misleading. It says by the year 2000 the high school graduation rate will increase to at least 90 percent. You will find there are records that, at least by the age of 24, 88 percent do get a high school diploma. But if you take a look at how they rate, relative to the skills and knowledge they should have under goal 3, you will find that we are really in bad shape.

Some of the facts there: Less than 50 percent of those who graduate from high school now have the basic skills necessary to be able to meet the goals that are in the bill, goal 3 in particular.

Also, as far as goal 3 is concerned, we have a long way to go before we are going to reach the standards which are necessary in order to meet what has to be done for this Nation.

In goal 4, for instance, by the year 2000 our students are supposed to be first in math and science, and yet in recent tests of 13-year-olds in 11 of the industrialized nations, we were last in math and next to last in science.

We also have a real problem with respect to those who are going on now to get their doctorates. More and more of our doctorate degrees are given to people from out of this country. That used to be good when they stayed in this country to aid us, but now almost all of them are leaving. For instance, 50 percent of those who get doctorate degrees in mathematics are from out of this country; 44 percent computer science and 50 percent in engineering are not members of this country, because we do not have a sufficient number applying for those schools.

Goal 5 is another one where we are really in bad trouble: By the year 2000, every adult American will be literate. The evidence is that we have anywhere from 30 to 80 million functionally illiterate people in this country, incapable of meeting the skills necessary for jobs, even the simplest employment in most cases. By the year 2000 we are supposed to have them all literate. It is a goal which will be incredibly difficult to meet.

I wish to say that we have a long way to go, but let me also, before I end, talk a little bit about the cost of not meeting those goals.

The total cost right now to our country by the failure to have an adequate

educational system totals close to half a trillion dollars. One-half of a trillion dollars is lost in our GNP because of our present problems with education.

Let me summarize some of those areas.

Madam President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator from Vermont controls 6 minutes.

Mr. JEFFORDS. I yield myself 4 minutes.

Lost productivity: \$225 billion a year. These are all from studies which have been done by experts to determine the cost of our educational system in its present state.

One is probably the most interesting in the sense of defining what we have to do to correct our problems. The cost of on-the-job remedial training and education to our industry is \$200 billion a year. In other words, our industries have to spend \$200 billion a year to make up for the deficiencies in our school system training.

Welfare costs: Health and Human Services, Housing and Urban Affairs, Department of Education, and the Department of Labor spent over \$208 billion, while States spent another \$82 billion on means tested entitlement programs collectively referred to as welfare. The programs consist of trying to make up for the deprivation of education to a large extent. Improved education there will save much of that money.

For instance, in a book by David Kearns and Denis Doyle, "Winning the Brain Race," it was indicated that early intervention with the Head Start Program could have a major impact to improve the prospects of young children, and yet we only serve 30 percent of those who are eligible.

The cost of drugs, another area which is greatly related to the educational system, \$238 billion. The Institute of Health Policy at Brandeis came up with these figures. That is what is lost to our economy by people not having choices perhaps other than use of drugs.

Crime and incarceration: \$43 billion a year. If you look at the record, 82 percent of those who are in prison now are school dropouts.

I could go on and on.

Another area is unemployment. The figures show that a substantial number, a very large percentage of those unemployed are those who are school dropouts.

Health care: Another \$141 billion is estimated to be lost by the lack of adequate education; 15 percent of the population is not covered by health insurance. Those people are primarily working poor and would be helped by increased educational opportunities. That is from the Health and Human Services Census Bureau.

My point is, yes, we have serious problems but, more importantly, if you



look at it from the future of the country, if we do not correct them, then we will continue to lose the economic growth that would be created by an adequate education system. The choice is ours.

I am confident that we will pass the goals, but the question that will remain is, will we have the dedication to change the priorities of this Nation in order to provide the resources necessary to have a chance of meeting those goals. We will pursue that later on, but today let us set the goals.

Madam President, I yield to the Senator from Kansas such time as she may consume.

Mrs. KASSEBAUM. Madam President, I ask if I may have 2 minutes.

Mr. JEFFORDS. That is fine. The Senator is yielded 2 minutes and, if the Senator needs more, let me know.

Mrs. KASSEBAUM. I thank the Senator.

Madam President, I wish to express my appreciation for the stewardship and leadership that the Senator from Vermont [Mr. JEFFORDS] has given to educational issues. He was dedicated to this issue when he was in the House. He has continued that dedication in the Senate and has managed, of course, the Goals 2000 legislation for the Republican side of the aisle.

As has been stated over and over, Madam President, this is legislation which addresses education from the bottom up. It reinforces support for local control. It reinforces the importance of the school boards. It reinforces the need to work from the local level and encourages States to be participants in the partnership. It has the strong support of the National Governors Association. It is not a mandatory bill. It is a bill that addresses the importance of education with the interests of students, parents, and teachers at the heart of it.

It is for these reasons I am supporting this bill, and I wish to express appreciation to all staff and Senators who have been very involved in addressing the issue in this Chamber.

I thank the Chair.

AMENDMENT NO. 1386

Mr. BRADLEY. Madam President, I rise in support of the low-income school choice demonstration amendment. Choice may not be the panacea for all our Nation's education ills, but we cannot afford not to take an honest look at whether more options would help kids who today are trapped in the worst schools in our poorest areas.

When we first took up this amendment 2 years ago, I thought about the schools and the families in the most desperate and impoverished areas of New Jersey, such as the cities of Paterson, Jersey City, and Newark. I asked people then, and I have asked them more recently, are those school systems better or worse than they were 15 years ago, when I came to the U.S.

Senate? Worse, I was told, and my own eyes confirm that sad fact. There are schools where crime, disorder, and drugs so dominate the daily lesson plan that there is hardly time to begin dealing with real learning.

For 15 years, while we have stood here debating what to do with the public schools, we have lost a generation. To save the next generation, we need to try anything that might work. We need to try anything that gives families that want their kids to learn and grow an immediate option, a way out. We need to be imaginative about using resources for education that are already there and can make an immediate difference. I strongly support Goals 2000, and share the commitment to systemic reform in our public schools. I have seen such reform begin to make a difference in Camden, Trenton, and other cities that have begun to change their own expectations of what students and teachers can achieve. I support full funding for every public program that works for kids, Head Start and Chapter 1. But real change may take time. Kids do not have time. If there is something out there that might work, we cannot wait to find out.

There is a resource in our cities that gives families a way to see that their kids get a basic, disciplined education in this sort of environment. I think of schools like St. Benedict's in Newark or St. Bartholomew in Camden. They happen to be private; these two happen to be operated by Catholic dioceses. But they have been serving the public at modest cost. Most of the students are non-Catholic; most are black or Hispanic.

That option is rapidly disappearing for many families. More than 25 urban Catholic schools closed their doors in New Jersey, not because they did not want to educate poor kids, but because they could no longer afford to. Across the Nation, there are 300 fewer urban parochial schools than there were 10 years ago. Enrollment in the 10 largest cities declined by 200,000 kids in the last 10 years; in Newark, 20,000 fewer students are served, largely because the schools are in trouble.

When a school that works shuts its doors, especially in an area where most schools do not work, it is a tragedy whether that school is public or private. An opportunity is lost to thousands of families and their kids. Nothing we do here with a few hundred million dollars for systemic reform can make up for the loss of hundreds of schools that work. If there is a way to keep good schools that serve the broadest public purposes alive, we should try it. If there is a way to encourage new schools to emerge to serve public purposes, we should try it. This amendment will help us find out if we can open schools to students who deserve better options.

If this amendment were much different than it is, I would not be able to support it. I would not support the demonstration program were it not targeted to the families that most need help—those eligible for subsidized school lunches—in the most troubled areas. I am skeptical of voucher proposals that might subsidize the few who can already afford private schooling, but this demonstration will pay for the full cost of attendance at any participating school, so that it will create realistic options. The certificates will cover transportation costs, again making the option more realistic than in other voucher proposals. The funding will be new money and will not cut into our other investments in education. The amendment includes language that I suggested 2 years ago to absolutely guarantee that none of the funds provided through this program go to schools that discriminate on the basis of race. Above all, this amendment asks a great deal of all the schools that might participate. It insists that those schools serve, or continue to serve, a public purpose.

I view this amendment as a real demonstration: It might work, it might not. Advocates of choice have put a lot on the line with this proposal. If it does not work, we will know it, and we will never again hear choice described as the sure cure for American education. If it does work, we will learn more about how to improve all schools. We will learn whether empowering parents with good choices gets them constructively involved with their kids' educations. We will learn whether schools that now succeed at educating students whose families can pay for their education can remain successful servicing more students from poorer backgrounds and with troubled home lives. Above all, we will find out whether a school choice demonstration project improves results across the board, for all students in all the public and private schools participating.

I do not know whether these choice demonstrations will improve results, whether students will do better at math and science, come out better prepared for college or the work force. I do know that at a time of crisis, we have to take risks. We have to find out what might work, before we lose another generation. I support the amendment.

Mr. MITCHELL. Madam President, there will now occur a series of votes, at least seven in number. It is, I think sensible that we limit the length of time for all of the votes after the first one. Therefore, I now ask unanimous consent that all votes after the first vote be for 10 minutes in duration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. JEFFORDS. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. So, Madam President, Senators should be aware that the first vote, which will occur shortly, will be the usual time limit, and then votes thereafter will be for 10 minutes. Senators are encouraged to remain in the Chamber to cast those votes. Further, it is their responsibility to see that the clerk has recorded their vote, and I encourage them not to leave so as not to miss votes during this sequence.

Mr. JEFFORDS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. KENNEDY. Madam President, do I have 20 seconds remaining?

The ACTING PRESIDENT pro tempore. All time has expired.

#### VOTE ON AMENDMENT NO. 1386

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the question is on agreeing to the amendment of the Senator from Indiana [Mr. COATS]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 52, as follows:

#### [Rollcall Vote No. 25 Leg.]

##### YEAS—41

Bennett	Faircloth	McConnell
Bond	Gorton	Murkowski
Bradley	Grassley	Nickles
Brown	Gregg	Nunn
Byrd	Hatch	Packwood
Coats	Helms	Pressler
Cochran	Kassebaum	Roth
Coverdell	Kempthorne	Simpson
Craig	Kerrey	Smith
D'Amato	Lieberman	Stevens
Danforth	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	McCain	

##### NAYS—52

Akaka	Dodd	Kennedy
Baucus	Dorgan	Kerry
Biden	Exon	Kohl
Bingaman	Feingold	Lautenberg
Boren	Feinstein	Leahy
Boxer	Ford	Levin
Bryan	Glenn	Mathews
Bumpers	Graham	Metzenbaum
Burns	Harkin	Mikulski
Campbell	Hatfield	Mitchell
Cohen	Heflin	Moynihan
Conrad	Hollings	Murray
Daschle	Inouye	Pryor
DeConcini	Jeffords	

Reid  
Riegle  
Robb  
Sarbanes

Sasser  
Shelby  
Simon  
Specter

Wellstone  
Wofford

#### NOT VOTING—7

Breaux  
Chafee  
Gramm

Hutchison  
Johnston  
Moseley-Braun

Rockefeller

So the amendment (No. 1386) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### VOTE ON AMENDMENT NO. 1388, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 1388 offered by the Senator from Iowa [Mr. GRASSLEY]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 0, as follows:

#### [Rollcall Vote No. 26 Leg.]

##### YEAS—93

Akaka	Faircloth	McCain
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moynihan
Boren	Graham	Murkowski
Boxer	Grassley	Murray
Bradley	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Coats	Inouye	Riegle
Cochran	Jeffords	Robb
Cohen	Kassebaum	Roth
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Sasser
Craig	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Smith
DeConcini	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Dorgan	Lugar	Warner
Durenberger	Mack	Wellstone
Exon	Mathews	Wofford

##### NAYS—0

#### NOT VOTING—7

Breaux  
Chafee  
Gramm

Hutchison  
Johnston  
Moseley-Braun

Rockefeller

So the amendment (No. 1388), as modified, was agreed to.

#### VOTE ON AMENDMENT NO. 1389

The PRESIDING OFFICER. The question occurs now on amendment No. 1389 offered by the Senator from Florida [Mr. MACK]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 61, as follows:

#### [Rollcall Vote No. 27 Leg.]

##### YEAS—32

Brown	Gregg	Murkowski
Burns	Hatch	Nickles
Coats	Helms	Packwood
Coverdell	Kassebaum	Pressler
Craig	Kempthorne	Roth
D'Amato	Kerrey	Shelby
Dole	Lott	Smith
Domenici	Lugar	Stevens
Faircloth	Mack	Thurmond
Gorton	McCain	Wallop
Grassley	McConnell	

##### NAYS—61

Akaka	Durenberger	Metzenbaum
Baucus	Exon	Mikulski
Bennett	Feingold	Mitchell
Biden	Feinstein	Moynihan
Bingaman	Ford	Murray
Bond	Glenn	Nunn
Boren	Graham	Pell
Boxer	Harkin	Pryor
Bradley	Hatfield	Reid
Bryan	Heflin	Riegle
Bumpers	Hollings	Robb
Byrd	Inouye	Sarbanes
Campbell	Jeffords	Sasser
Cochran	Kennedy	Simon
Cohen	Kerry	Simpson
Conrad	Kohl	Specter
Danforth	Lautenberg	Warner
Daschle	Leahy	Wellstone
DeConcini	Levin	Wofford
Dodd	Lieberman	
Dorgan	Mathews	

#### NOT VOTING—7

Breaux  
Chafee  
Gramm

Hutchison  
Johnston  
Moseley-Braun

Rockefeller

So the amendment (No. 1389) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### VOTE ON AMENDMENT NO. 1390

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1390, offered by the Senator from



North Carolina [Mr. HELMS]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAU], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER (Mr. ROBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 59, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—34

Bennett	Faircloth	McConnell
Brown	Ford	Murkowski
Burns	Grassley	Nickles
Byrd	Hatch	Pressler
Coats	Heflin	Roth
Cochran	Helms	Sasser
Coverdell	Kassebaum	Shelby
Craig	Kempthorne	Smith
D'Amato	Lott	Thurmond
Dole	Mack	Wallop
Domenici	Mathews	
Exon	McCain	

NAYS—59

Akaka	Feinstein	Mikulski
Baucus	Glenn	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Murray
Bond	Gregg	Nunn
Boren	Harkin	Packwood
Boxer	Hatfield	Pell
Bradley	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Jeffords	Riegle
Campbell	Kennedy	Robb
Cohen	Kerry	Sarbanes
Conrad	Kohl	Simon
Danforth	Lautenberg	Specter
Daschle	Leahy	Stevens
DeConcini	Levin	Warner
Dodd	Lieberman	Wellstone
Dorgan	Lugar	Wofford
Durenberger	Mack	
Feingold	Metzenbaum	

NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the amendment (No. 1390) was rejected.

VOTE ON AMENDMENT NO. 1393

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 1393 offered by the Senator from Massachusetts [Mr. KENNEDY].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAU], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 2, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—91

Akaka	Feingold	McConnell
Baucus	Feinstein	Metzenbaum
Bennett	Ford	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Grassley	Murray
Boxer	Gregg	Nickles
Bradley	Harkin	Nunn
Brown	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Reid
Campbell	Inouye	Riegle
Coats	Jeffords	Robb
Cochran	Kassebaum	Roth
Cohen	Kempthorne	Sarbanes
Conrad	Kennedy	Sasser
Coverdell	Kerry	Shelby
Craig	Kohl	Simon
D'Amato	Kohl	Simpson
Danforth	Lautenberg	Smith
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dodd	Lieberman	Thurmond
Dole	Lott	Warner
Domenici	Lugar	Wellstone
Dorgan	Mack	Wofford
Durenberger	Mathews	
Exon	McCain	

NAYS—2

Faircloth	Wallop
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NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So, the amendment (No. 1393) was agreed to.

VOTE ON AMENDMENT NO. 1420

The PRESIDING OFFICER. The question occurs on amendment No. 1420 offered by the Senator from Vermont [Mr. JEFFORDS].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAU], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—93

Akaka	Faircloth	McCain
Baucus	Feingold	McConnell
Bennett	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Gorton	Moynihan
Boren	Graham	Murkowski
Boxer	Grassley	Murray
Bradley	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Packwood
Bumpers	Hatfield	Pell
Burns	Heflin	Pressler
Byrd	Helms	Pryor
Campbell	Hollings	Reid
Coats	Inouye	Riegle
Cochran	Jeffords	Robb
Cohen	Kassebaum	Roth
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Sasser
Craig	Kerry	Shelby
D'Amato	Kohl	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Smith
DeConcini	Leahy	Specter
Dodd	Levin	Stevens
Dole	Lieberman	Thurmond
Domenici	Lott	Wallop
Dorgan	Lugar	Warner
Durenberger	Mack	Wellstone
Exon	Mathews	Wofford

NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the amendment (No. 1420) was agreed to.

SCHOOL-TO-WORK OPPORTUNITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1361.

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for 1 minute in terms of the order of votes, if there is no objection.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Massachusetts?

Without objection, it is so ordered.

The Senator is recognized for 1 minute.

Mr. KENNEDY. Mr. President, for the information of the Members, we will vote on this amendment now. There are two, the Coverdell and Dole amendments, that I understand have been worked out. They will be accepted by unanimous consent unless there is objection to them. Right after this vote, we will go to those, and they will be accepted without objection, and then we will have the final passage vote on the School-to-Work Program.

So we will have final passage right after this, with intervening action by Senator KASSEBAUM to ask the Chair to put forward the Dole and Coverdell amendments, which have been worked out.

I thank the Chair.

VOTE ON AMENDMENT NO. 1429

The PRESIDING OFFICER. Under the previous order, the question is on

agreeing to the motion to table amendment No. 1429 offered by the Senator from Washington [Mr. GORTON].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 31 Leg.]

#### YEAS—50

Akaka	Feinstein	Metzenbaum
Baucus	Ford	Mikulski
Bingaman	Glenn	Mitchell
Boren	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Packwood
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Kennedy	Reid
Campbell	Kerrey	Riegle
Conrad	Kerry	Robb
Daschle	Kohl	Sarbanes
DeConcini	Lautenberg	Sasser
Dodd	Leahy	Simon
Dorgan	Levin	Wellstone
Exon	Lieberman	Wofford
Feingold	Mathews	

#### NAYS—43

Bennett	Faircloth	Murkowski
Biden	Gorton	Nickles
Bond	Grassley	Nunn
Brown	Gregg	Pressler
Burns	Hatch	Roth
Coats	Hatfield	Shelby
Cochran	Helms	Simpson
Cohen	Jeffords	Smith
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Lott	Thurmond
Danforth	Lugar	Wallop
Dole	Mack	Warner
Domenici	McCain	
Durenberger	McConnell	

#### NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the motion to table the amendment (No. 1429) was agreed to.

#### AMENDMENT NO. 1433, AS MODIFIED

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, there are now only two pending amendments to the school-to-work bill and there is one amendment that was adopted yesterday that needs to be modified.

I understand Senator DOLE is willing to modify his amendment.

The PRESIDING OFFICER. The Chair will remind the Senator the pending amendment currently is amendment No. 1433, offered by the

Senator from Kansas, Senator KASSEBAUM, for Senators DOLE and NICKLES.

Mrs. KASSEBAUM. Mr. President, at this time I ask unanimous consent to modify the Dole-Nickles amendment, No. 1433, and send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1433), as modified, is as follows:

At the appropriate place in title V, insert the following:

#### SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the Congress should fund programs under this Act, for fiscal years 1996 through 2002, predominantly from the savings resulting from efforts of the Department of Labor, the Department of Education, and other Federal agencies, to eliminate, consolidate, or streamline, duplicative or ineffective education or job training programs in existence on the date of enactment of this Act.

The PRESIDING OFFICER. Is there further debate on amendment No. 1433, as modified?

The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, as modified, the amendment is acceptable. It expresses the sense of the Senate that the school-to-work initiative should be funded predominantly from streamlining existing programs. This is reflected in the President's fiscal year 1995 budget. So I hope it will be agreed to.

Mr. DOLE. Mr. President, as we head into the 21st century, America must be prepared to meet the challenges of a world that is becoming increasingly more competitive. Few can dispute the importance of a highly skilled and well-trained work force to America's competitive position and to her economic security.

Now, the stated goal of the school-to-work bill is a laudable one: To help ease the transition from high school to the workplace. Far too many of our young people are not adequately equipped with the skills necessary to be effective workers. American productivity suffers as a result.

Over the years, the Federal Government has pumped billions upon billions of dollars into job training: The Department of Education runs 59 separate programs at a total annual cost of more than \$13 billion. The Department of Labor has 34 programs carrying a yearly price tag of \$7 billion. Even the Interior Department has gotten into the act, running two separate job-training programs with an annual cost of more than \$22 million. According to the General Accounting Office, the Federal Government spends nearly \$25 billion each year on 154 separate job training and education programs. That's a lot of money, and a lot of programs—even by Washington standards.

The school-to-work bill continues this spending pattern by authorizing hundreds of millions of dollars in additional funds over the next 5 years.

I agree with the other concerns raised yesterday by my distinguished colleague from Kansas, Senator KASSEBAUM—that the School-to-Work Program lacks the flexibility necessary to successfully integrate existing job-training programs; that the priority given to "paid-work experience" is a disincentive to business involvement and could have the unintended consequences of reducing opportunities for our young people; and, most importantly, that school-to-work is nothing more and nothing less than another stand-alone job-training program.

Before spending more money on job-training program No. 155, we ought to first have a full accounting of the 154 other Federal programs that are already up and running: Which programs work, and which ones don't work? Which programs can be made more effective through consolidation or streamlining, and which ones should be eliminated altogether?

These concerns are real: For example, the Wall Street Journal reported that the Education Department's Vocational Lending Program made loans to train 81,600 cosmetology students, even though the job market is creating slots for just 17,000 new cosmetologists. This is the sort of ill-conceived and wasteful spending that gives Government a bad name.

To his credit, Secretary of Labor Robert Reich has himself recognized that pouring more money into the job-training hodgepodge doesn't serve anyone—except perhaps the Government bureaucrats. As he recently pointed out in a speech before the Center for National Policy: "Investing scarce resources in programs that don't deliver cheats workers who require results and taxpayers who finance failure." Secretary Reich then outlined his philosophy on job-training:

Where a program works and meets a real need, we'll make it happen. Where it doesn't we'll eliminate it. And where it's broken, we'll fix it. Build on what's working, get rid of what's not.

I agree. And that's why I joined yesterday with my distinguished colleague from Oklahoma, Senator NICKLES, in offering an amendment that would put the Senate on record as supporting what works, and opposing what doesn't work.

Our amendment is straightforward: It expresses the sense of the Senate that, in fiscal years 1996 through 2002, the School-to-Work Program should be funded predominantly from savings resulting from efforts to eliminate, consolidate, or streamline existing education and job training programs that are either duplicative or ineffective.

In other words, I am willing to give Secretary Reich's philosophy a fighting chance: Let's consolidate, streamline, and eliminate those programs that don't work before throwing more money into another high-dollar Fed-



eral program. Indeed, if the Department of Labor and the other Federal agencies do their job and identify those programs that deserve to be streamlined or eliminated, there should be plenty of funds left over to finance the new School-to-Work Program.

In the \$25 billion Federal job-training hodgepodge, we should be able to find at least \$300 million in annual savings.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1433), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts, [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I understand the Senator from Georgia is willing to withdraw his amendment?

AMENDMENT NO. 1432 WITHDRAWN

Mrs. KASSEBAUM. Mr. President, on behalf of Senator COVERDELL I would like to withdraw amendment No. 1432.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 1432, previously offered by the Senator from Georgia, is withdrawn.

The amendment (No. 1432) was withdrawn.

AMENDMENT NO. 1424, AS MODIFIED

Mr. KENNEDY. Mr. President, I understand the Senator from Kansas wishes to modify an amendment which she successfully offered yesterday.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent to modify amendment No. 1424. This is my own amendment. This is a technical correction which has been agreed to on both sides.

The PRESIDING OFFICER. Is there objection to the request on modification?

Without objection the modification is agreed to.

The amendment (No. 1424), as modified, is as follows:

Insert after section 504 the following new section:

**SEC. 504A. COMBINATION OF FEDERAL FUNDS BY STATES.**

(a) IN GENERAL.—

(1) PURPOSES.—The purposes of this section are—

(A) to integrate activities under this Act with State school-to-work transition activities carried out under other programs; and

(B) to maximize the effective use of resources.

(2) COMBINATION OF FUNDS.—To carry out such purposes, a State that receives assistance under title II may carry out activities necessary to develop and implement a statewide School-to-Work Opportunities system with funds obtained by combining—

(A) Federal funds under this Act, and

(B) other Federal funds made available from among programs under—

(i) Carl D. Perkins Vocational and Applied Technology Act, section 201; and

(ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(b) USE OF FUNDS.—A State may use the State portion of the Federal funds combined under subsection (a) under the requirements

of this Act, except that the provisions relating to the matters specified in section 502(c), and section 503(c), that relate to the program through which the funds described in subsection (a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

(c) ADDITIONAL INFORMATION IN APPLICATION.—A State seeking to combine funds under subsection (a) shall include in the application of the State under title II—

(1) a description of the funds the State proposes to combine under the requirements of this Act;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in school-to-work activities;

(4) evidence of support for the waiver requests by the State agencies officials with jurisdiction over the funds that would be combined;

(5) a State's authority to combine funds under this section shall not exceed 5 years, except that the Secretaries may extend such period if the Secretaries determine that such authority would further the purpose of this Act; and

(6) such other information as the Secretaries may require.

In section 510, in the section heading, strike "SEC. 510." and insert "SEC. 511."

In section 509, in the section heading, strike "SEC. 509." and insert "SEC. 510."

In section 508, in the section heading, strike "SEC. 508." and insert "SEC. 509."

In section 507, in the section heading, strike "SEC. 507." and insert "SEC. 508."

In section 506, in the section heading, strike "SEC. 506." and insert "SEC. 507."

In section 505, in the section heading, strike "SEC. 505." and insert "SEC. 506."

In section 504A, in the section heading, strike "SEC. 504A." and insert "SEC. 505."

In section 303(a)(1), strike "507(b)" and insert "508(b)".

In section 401(a), strike "507(c)" and insert "508(c)".

In section 401(b), strike "507(c)" and insert "508(c)".

In section 402(a), strike "507(c)" and insert "508(c)".

In section 402(b), strike "507(c)" and insert "508(c)".

In section 402(d), strike "507(c)" and insert "508(c)".

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

Mr. PRESIDING OFFICER. The Chair will inquire of the Senator if he is requesting the yeas and nays on the underlying House bill?

Mr. KENNEDY. The Chair is correct, on the House bill, the school-to-work bill.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

Mr. HATCH. Mr. President, earlier today I voted against S. 1361, the School-to-Work Opportunities Act. I

did so reluctantly, Mr. President, as I have been a long-time supporter and promoter of job training. I also cast my vote understanding that this bill would almost certainly become law, notwithstanding my concerns.

Those concerns, Mr. President, were not with the laudable and legitimate needs that this legislation sought to address. My concerns deal with the fact that we already have 154 separate job training programs on the books that cost Federal taxpayers nearly \$25 billion a year.

There is currently a maze of Federal and State job training efforts that is in desperate need of reform. Notably, in that section of this bill that outlines the requisite content of the plan that States must file, S. 1361 states that such State plans must, among many things, "describe the manner in which the school-to-work opportunities system will coordinate with or integrate local school-to-work programs, including programs financed from State and private sources, with funds available from such related Federal programs under the Adult Education Act, the Carl Perkins Vocational and Applied Technology Education Act, the Elementary and Secondary Education Act, the Higher Education Act, part F of title IV of the Social Security Act, the Goals 2000, the National Skills Standards Act, the Individuals With Disabilities Act, the Job Training Partnership Act, the Act of 1937—commonly known as the National Apprenticeship Act—the Rehabilitation Act of 1973, and the National and Community Service Act of 1990."

To the States I say: Good luck.

As Senator KASSEBAUM has observed, this bill "creates a whole new program to loop together another set of programs and relies on an elaborate set of waiver provisions to try to make it all work." The price tag is \$300 million per year.

Mr. President, I favor program coordination. I think the left hand ought to know what the right hand is doing. I might add that President Bush proposed legislation that would consolidate several Federal job training and vocational education efforts into one program with one set of rules and regulations, one application form, and one funding stream. I do not recall that this plan even got the benefit of a hearing.

Today, Mr. President, instead of exercising some leadership—instead of making Federal programs more efficient and more workable—we are taking the coward's way out and making the States come up with a plan for coordination. We are making the States do what we ought to be doing—streamlining Federal bureaucracies.

As I said, Mr. President, I sincerely appreciate the goal that is implicit in this bill. I cannot support the additional burden placed on States; I can-

not support creation of yet another Federal apparatus for job training; and I cannot support authorizing \$300 million in new money for this purpose when there are 154 other job training programs already in existence that could no doubt serve more people with more money.

Mr. President, in these times of limited resources it is incumbent upon us to simply stop piling new and duplicative programs onto existing ones. In this case, we missed that opportunity.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 1361, the School-to-Work Opportunities Act. I am a cosponsor of this legislation and am pleased that the Senate is poised to pass it.

Mr. President, our modern economy is rapidly changing. Today's American worker must compete against workers all over the world as well as embrace modern technology in the workplace.

Despite these changes, our educational system is primarily focused on a traditional career path. We have several programs for students who go onto college. However, 75 percent of all high school graduates do not complete an undergraduate degree and 50 percent never take a post high-school class.

We need to equip these millions of non-college-bound students with basic academic and occupational skills necessary in an increasingly complex labor market. In the 1980's, the earnings gap between high school and college graduates doubled. At the same time, employers have expressed increasing frustration with the quality of job skills possessed by high school graduates.

These trends tell us that we need to develop a new system to educate and train those who do not go on to college. We must prepare them for the competitive workplace of the 21st century. This is what the School-to-Work Opportunities Act seeks to do—to provide educational and job training opportunity for those who are left out of our current system.

The school-to-work bill provides funding to States to plan and develop school-to-work systems. This is critical because the current apprenticeship, job training, and job counseling system is fractured in each State. Each State plan must describe how the State will integrate private business and the educational system into a school-to-work plan. Once the State plan is completed, a State may receive an implementation grant to provide funding to local partnerships and school-to-work programs to help educate, train, and place young people into high skilled occupations. This bill also allows States to seek waivers from other Federal education and labor programs if they will help them better establish a coordinated school-to-work system.

Mr. President, the young people of our country are our future. In the past, we have focused on the college bound

students while leaving high school graduates with no career education and training. This bill will address this serious failure so that all of our young people can enter the job market with skills that permit them to make a productive contribution to our economy. It will also please the business community that will benefit from a better skilled work force. It is no surprise that this legislation is supported by the Business Roundtable, the National Association of Manufacturers, and the U.S. Chamber of Commerce as well as organized labor.

I urge my colleagues to support this legislation.

Mr. COATS. Mr. President, school-to-work transition is a concept that I strongly endorse. Many of our youth, as we have previously heard, will not go to college, and many who do go to college will not earn a degree. We need to provide meaningful opportunities for these students—and we need to provide them as early as possible.

Not only do I support school-to-work as a theory, but I support many of the principles embodied in the legislation before us. Collaboration, public/private partnerships, mentorship—these are all important concepts, and crucial for an effective program.

Unfortunately, the positive aspects of S. 1361 do not outweigh, in my mind, the problems with this proposal.

First, I am concerned that this is yet another categorical program. According to the Government Accounting Office, we are presently funding over 150 job training programs at an estimated cost of \$20 billion. The school-to-work bill adds another job training proposal to this already costly mix. And perhaps more important is the fact that it duplicates efforts already authorized to be provided to this same group—kids not bound for college.

As a matter of fact, the State of Indiana, as well as 23 other States, has already received grants for the development of school-to-work programs. Some might ask how this was possible since S. 1361 has not yet been enacted. Using existing authority under JTPA and the Carl Perkins Act, the Departments of Labor and Education have provided funds to States for the Development of school-to-work initiatives. So we see that school-to-work initiatives are not only possible, but are already being supported by Federal funds, so why is this bill needed?

Second, I am concerned by the requirement that students who participate in this program be paid for their training. Aside from questioning the appropriateness of paying people for training, I am concerned that this requirement will significantly limit the opportunities for valuable work experiences. This is particularly true for small businesses, which are the life blood of our economy.

Finally, I feel strongly that States should be afforded maximum flexibility

in designing both the program and the work opportunities that would be available. As currently drafted, S. 1361 is prescriptive and would significantly tie the hands of the States, employers, and schools participating in this initiative. I think we have seen time and time again that Washington's one-size-fits-all solutions don't work. Let's let people with hands on experience design programs that will really help those in need.

Mr. President, the concept of school-to-work transition is an important one, and that deserves our close attention. However, it is a job training proposal, and as such I think it would have been more appropriate to have considered in conjunction with the other job training programs.

We have made a great deal of progress on this legislation over the course of the past few days, and have included some very important amendments. I strongly support these changes and the concept of school-to-work, however, at this time I am unable to support this legislation. We still have a ways to go, and I would have preferred that this be considered in a broader context, but will re-examine the legislation when it emerges from conference.

Mrs. MURRAY. Mr. President, I am pleased to speak today in favor of Senate bill 1361, the School-to-Work Opportunities Act.

With this bill, we continue to build upon a theme introduced by President Clinton in last year's budget process—investing in our future. By immunizing our children and fully funding important programs such as Head Start, WIC, Goals 2000, and school-to-work, we are investing in our children, and in the America of tomorrow.

As we focus on planning, and preparing our children for the future, we are challenged to make adjustments. We cannot afford to operate on old assumptions—assumptions that are no longer relevant today.

We must recognize that approximately half of our Nation's young people do not go on to college; 75 percent do not earn a bachelor's degree. Many of these young people do not possess the basic academic and occupational skills necessary for the changing workplace, or for further education. Many cannot find stable, career-track jobs for a good 5 to 10 years after graduating from high school.

Whether the family-wage jobs of the future will require a college degree, they no doubt will require professional or technical training. We must prepare our children throughout the Nation for both. The school-to-work bill will help young people link what they are learning in school to the workplace. It will also prepare them for 4-year college.

Our schools have a stake in preparing students for tomorrow's work force. They must help educate and train our



children today for the jobs of tomorrow.

My home State of Washington has made major strides toward developing high school coursework that is relevant for students, and clearly applicable to the real world. Four model high schools in Bethel, Central Valley, Camas, and Grand Coulee are beginning their third year of comprehensive restructuring efforts.

In addition, last year the Washington Legislature enacted the School-to-Work Transitions Program. This program provides funding for model high school transition projects in 33 school districts in the State. The emphasis is on providing high school students with a choice of educational pathways. These pathways are based on the student's career interest area—and they integrate academic, vocational, and technical education into a single curriculum.

In the Washington program, priority is given to high schools that work with middle and junior high schools to improve students' career awareness. In addition, the program requires that partnerships be formed with employers and employees to give students work-based learning experiences as well.

Mr. President, I support the emphasis on collaboration in the Washington program, and in the bill before us. Encouraging government, educational institutions, employers, labor, students, parents, and community-based organizations to work together is crucial.

In addition, we must work diligently to identify the growth sectors of our economy, and the education and skills that will be needed by the work force in these sectors. As part of this effort, I am holding a futures forum in my home State of Washington during the spring work period.

I am bringing together experts from a variety of disciplines and communities in the State—experts in business, labor representatives, educators, academics, and government leaders—to discuss what Washington's economy and work force will look like in the next 10 to 20 years. We will focus on the prospects for growth in a variety of sectors of the economy. And, we will discuss the education and skills that will be needed by the work force in State.

We will also discuss how to give our children the education and skills they will need to participate in the work force of the future. This will be the first in a series of forums, and I look forward to hearing from those who work on this challenge on a daily basis.

Finally, I want to mention the use of Federal funds as seed money to stimulate State and local creativity in establishing statewide school-to-work programs. This approach is far superior to creating yet another large Federal employment and training program. This way we are encouraging States to

expand upon existing programs such as tech prep education, cooperative education, youth apprenticeship, school-sponsored enterprises, and existing school-to-work programs—like the one we have in Washington State.

Mr. President, this is a very important bill for our Nation's children today, and for our economy tomorrow. I urge my colleagues to support this bill.

Mr. HATFIELD. Mr. President, America's economic future is at risk. For years, I have been deeply concerned that the United States is addressing the requirements of its work force in the wrong way and this is posing a tremendous threat to our ability to compete in the emerging global economy.

Under our current "Tayloristic" system, we have become so overdependent on a small cadre of decisionmakers and managers that our ability to increase our quality and variety of products, processes, and services is diminishing. Therefore, our capacity to adapt to new consumer needs in this global economy and sustain a high standard of living has suffered. If we continue to ignore our frontline workers' abilities, I believe that our folly ultimately will relegate us to second class status in the global marketplace.

According to the Commission on the Skills of the American Workforce: "The world is prepared to pay high prices and high wages for quality, variety, and responsiveness to changing consumer tastes." If the United States is to continue as the world's economic leader, we must develop the best educated and best trained work force in the world in order to command those high prices and afford those high wages.

American employers are realizing that they must insist on having workers who are able to adapt to changing conditions not only by learning new skills but also by changing their roles in the workplace. They must be capable of solving problems, and they must be encouraged to do so by working in teams and by helping forward-thinking management meet its responsibilities. Although the legislation before us today does not address the needs of our current work force, it will, however, help our competitiveness in the future by assisting States to prepare our youth for the critical transition from school to work.

Currently, American high schools direct most of their attention toward preparing students for college. However, of those who enter college, only about 15 percent go on to graduate and then obtain a 4-year college degree within 6 years of high school graduation. Yet we continue to allow our educational system to essentially ignore the needs of the remaining 85 percent. We abandon them to muddle between different educational and employment

opportunities. Furthermore, about 30 percent of youth aged 16 to 24 lack the necessary skills for entry-level employment. This problem becomes shockingly vivid when one sees that 50 percent of adults in their late twenties have not found a steady job.

Mr. President, it is time for us to change the way we think and virtually revolutionize the way we address the current educational system for those who will never enter our colleges and universities. We must help students understand why they are learning the particular subject matter so that they think more about applied academics and connect education to the world of work. We must help them make a successful transition from school to work.

In 1991, Oregon made a striking break with traditional American education with the passage of Oregon Education Act for the 21st century. Among other things, it established certificates of initial mastery and advanced mastery as new high-performance standards for all students and has created new partnerships among business, labor, and the educational community to develop academic and professional technical standards.

Once basic mastery is demonstrated, and no one advances until fundamental skills are absorbed—students will select a broad career area to provide the context for further study. This prepares them for postsecondary education or further skills training for family-wage jobs. Work-based learning opportunities will be provided to interested students so that necessary skills and competencies can be learned in the work environment as well as in the classroom. This is vital, it drives home to students the interrelationship between education and work.

Our school reform strategy recognizes the interdependence between places of learning and places of work. In fact, several high schools like Sprague, Roosevelt, and David-Douglas have made this connection. Education and work force reform movements also recognize that to improve the performance of students and the productivity of workers requires new partnerships among business, labor, education, and government. Understandably, Oregon has received national recognition for focusing on the critical school-to-work transition.

The legislation before us today will provide seed money to help States develop comprehensive plans that include work-based and school-based learning programs. Most systems will involve a year of postsecondary education and will lead to a high school diploma, a certificate or diploma from a postsecondary institution, and an occupational skill certificate certifying mastery of specific occupational skills. Second, it will provide the States with 5-year implementation grants to help operate these systems.

Mr. President, many of the problems facing our noncollege bound students need to be addressed at the State and local levels. Nevertheless, this is also a national problem because our economic competitiveness depends on our willingness to help them meet our future work-force demands.

If we are to affect lasting change for future generations—if that change is to keep pace with the changing global marketplace—then we must engage schools, businesses, and government at all levels to prepare tomorrow's workers for our future. Passage of this legislation today will encourage our States to creatively meet the needs of our noncollege bound student population. The needs of these students have been ignored for far too long and it is my pleasure to be an original cosponsor of this bill.

Mr. GRASSLEY. Mr. President, I rise today to address the issue of school to work. I share many of the sentiments that have already been expressed by my colleagues. Today, students who do not pursue a college degree, face great challenges in finding a job which is personally and financially rewarding. The issue before us is how do we better assist these young people find gainful employment and make the transition from school-to-work?

Only 25 percent of all high school graduates go on to college. The remaining students enter the work force with only a high school diploma and limited skills. At one time, low-skill, high-wage manufacturing jobs were abundant. This is no longer the case. Today, individuals without a college degree earn significantly less than individuals with a college degree and that gap is widening each year.

I agree with my colleagues that we need to build a better partnership between our schools and businesses to determine what skills are needed in the increasingly competitive economy. We then must target students at need and equip them with the necessary skills. My question is do we need another Federal jobs program to achieve this goal? I don't believe so and that is why I am not able to support S. 1361, the School-to-Work Opportunities Act.

There are 154 existing Federal jobs-related programs which cost the Treasury over \$20 billion annually. Enacting this legislation would create yet another program with a price tag of \$300 million this year and such sums as necessary for the period of its authorization. Although the program is due to expire after its authorization, I have not known this Congress to allow programs to expire. It's much easier to extend a program than to let it die.

I believe the better way to address the issue of school-to-work is to focus on existing programs and restructure them to better serve our young people. For example, there are a number of existing programs that target the very

students we are talking about today. The Carl Perkins Tech-Prep Program, career academies and youth apprenticeship programs all assist students in the transition from school to work. It seems to make better sense to determine how to improve these programs and, if necessary, integrate them. Unfortunately, there are provisions in the school-to-work bill which would prevent the integration of the Carl Perkins Tech Prep Program into the School-to-Work Program.

For example, the School-to-Work Program requires a paid work experience in certain circumstances. The Carl Perkins Tech-Prep Program does not have a similar requirement, so this program would operate parallel to the new school-to-work program. They couldn't be coordinated, nor integrated, yet they would essentially serve the same students.

I would like to take this opportunity to discuss the paid work experience which I have alluded to. The original language contained in the bill required students to have a work experience which must be paid. Many small businesses struggle financially. While many may want to participate in the program, they may find the salary requirement prohibitive. This provision ignores the value of unpaid work experiences. I am pleased that my colleagues recognized the burden of this provision when it adopted an amendment removing the paid work requirement except in some cases. A student can still have a valuable learning experience if the job is unpaid. Shadowing experiences, mentoring are all crucial learning experiences.

I believe we are placing too much emphasis on spending more and not enough on improving existing education and jobs programs. We must better manage these programs. If our young people are not prepared to enter the work force, shouldn't we try to understand why? Should school curriculum be altered? School systems across the country already recognize that they should be building partnerships with local employers to prepare students for employment. We do not need new Federal legislation to achieve these goals. Again, we are faced with a situation where local action is outpacing Federal legislative initiatives.

I strongly support the intentions of this legislation, but I am not prepared to vote to create yet another Federal program. I would rather reevaluate existing programs and determine how they can better serve our young people prepare for the future.

Mr. ROCKEFELLER. Mr. President, America's future lies with its children. Recognizing the importance of providing educational and occupational training for today's youth, I am proud to cosponsor the School-to-Work Opportunities Act. Because of a personal commitment, I had to be in West Virginia ear-

lier today and unfortunately missed the vote on final passage of this legislation. But it was clear this measure had strong bipartisan support and would pass. My statement is to reinforce my support for this initiative.

This legislation represents part of an overall strategy to reform our American educational system, and it specifically seeks to enhance the transition to work for young people. The provisions of this bill reaffirm this Nation's commitment to the education and employment of today's youth. The bill's goal is to unite partnerships of employers and educators to create a high quality school-to-work program that assists students in the transition from school to a well-paying first job.

The legislation maps out a new strategy to achieve this goal. First, it establishes components and goals for successful school-to-work programs. Next, it seeks to integrate work-based and school-based learning to provide students with additional skills. It will create a national framework that provides States the flexibility to develop programs to effectuate the transition from school to employment.

Every parent, student, teacher, and employer should embrace the goals of the School-to-Work Act and strive together to achieve them.

We need to recognize that approximately one-half of American youth do not go to college and about 75 percent of those who initially enroll do not graduate. Even more important, a 1990 report by the Commission on the Skills of the American Work Force noted that 70 percent of the jobs in America in the year 2000 will not require a college education, but most will require training beyond high school.

America needs the School-to-Work Act to ensure that students who don't go to college still are prepared to enter the work force. Entering work directly after high school needs to be a viable alternative for students who cannot or do not want to attend college. Our competitiveness will depend on how well we prepare our youth for the modern workplace.

Every student should have the opportunity to earn a living at a high-skill, high-wage job upon graduation from high school. Under the School-to-Work Act, we will ensure that students are given the educational and occupational training that they need to obtain a high-paying first job and begin a career. The legislation establishes a national framework within which States can develop effective systems for improving students' transition from school to work.

Under the legislation, States will have the flexibility to design their own programs suited to their States' needs, economy and labor market. Although the program requires core components and goals it does not mandate the means to achieve these goals. Various



sources of support, including Federal grants to States, waivers, direct grants to local partnerships, and high poverty area grants, will enable States to create their own school-to-work programs.

States will receive a 1-year planning grant and one 5-year implementation grant. The act also provides for waivers of certain regulatory and statutory programs to all other Federal funds to be coordinated with comprehensive school-to-work programs.

The heart of the program is making employers full partners in providing high-quality, work-based learning experiences to students. The program will improve the knowledge and skill of young people by combining academic and occupational learning. Every school-to-work plan must include work-based learning that provides job training or work experiences. In addition, each program must provide school-based learning including career counseling and instruction in a career major, and a program of study that is based on high academic and skill standards as proposed in Goals 2000 Educate America Act.

This combination of occupational and academic education will provide students with additional knowledge and skills that will better prepare them to enter the job market and obtain high-wage, high-paying jobs.

My support of the School-to-Work Act is a continuation of my work as chairman of the National Commission on Children. As chairman, I traveled across the country meeting with young people, parents, and teachers. Everywhere I went, people recognized that education is the key to the future. Education will provide students with the key to unlock the door to high-wage, high-skill jobs upon graduation from high school.

Educators and employers need to unite in the effort to educate youth and provide them opportunities to contribute to society. The School-to-Work Act provides the means for a partnership between schools and employers, a partnership that was strongly endorsed by the unanimous, bipartisan report of the National Commission on Children. It is gratifying to note that this important legislation reflects the principles of reform outlined by the Commission.

Mr. DODD. Mr. President, I rise today in strong support of S. 1361, the School-to-Work Opportunities Act.

In the last few days, we have charted a new course in Federal education legislation. For over a decade, States and communities have been at work developing innovative programs to address the challenges facing today's schools. With the Goals 2000 legislation and the School-to-Work Opportunities Act, the Federal Government finally steps forward as a full partner in these efforts. And unlike in the past, we are bringing more than our ideas and mandates to the table. These new initiatives come

not with strings, but with money and flexibility.

The School-to-Work Opportunities Act is aimed at the 75 percent of students who never complete college. These students are often overlooked by the current system. To a great extent, the focus of our high schools has been on the college-bound student. Computer programming, accounting, automotive engineering, and other vocationally-oriented courses have been offered as electives, if at all. Students who complete high school, but not college, find themselves with a diploma, but few job skills.

Thirty years ago, a high school diploma was enough to put a young man or woman into a job that could support a family and a home. Today, that is just not the case. The average monthly earnings of a full-time worker with only a high school diploma is just \$1,200. There are few places in America where this income could support a family. And the situation is only getting worse for these low-skill workers as the workplace grows ever more technologically advanced. We must do what we can to make sure these young people are not left to fall further behind.

The school-to-work initiative seeks to ensure students a smooth transition from school into meaningful, high-quality jobs. Under this legislation, partnerships will be developed at the State and local level to bring together employers, educators, labor leaders, community-based organizations, and others. These partnerships will work to coordinate existing programs to prepare students to compete and succeed in the high-technology, high-skill work force of the next century.

Many States are already experimenting in this area. Pennsylvania has had tremendous success with its youth apprenticeship program. Connecticut has a similar program that brings together inner-city youth and representatives of the building and construction trades. The tech-prep program has also provided thousands of young people in Connecticut and in many other States with new opportunities. The school-to-work initiative will provide these States with seed money to expand and enhance these and other programs to meet the critical needs of non-college bound students.

I urge my colleagues to join me in support of this important bill.

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2884.

The assistant legislative clerk read as follows:

A bill (H.R. 2884) to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. All after the enacting clause is stricken. The

text of S. 1361, as amended, is substituted in lieu thereof, and H.R. 2884, as amended, is considered read a third time.

The question is, Shall the bill, H.R. 2884, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAU], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Ms. MOSELEY-BRAUN] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFFEE], the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 32 Leg.]

#### YEAS—62

Akaka	Exon	Metzenbaum
Baucus	Feingold	Mikulski
Biden	Feinstein	Mitchell
Bingaman	Ford	Moynihan
Bond	Glenn	Murray
Boren	Graham	Nunn
Boxer	Harkin	Packwood
Bradley	Hatfield	Pell
Bryan	Heflin	Pryor
Bumpers	Hollings	Reid
Campbell	Inouye	Riegle
Cochran	Jeffords	Robb
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Sasser
D'Amato	Kerry	Shelby
Danforth	Kohl	Simon
Daschle	Lautenberg	Specter
DeConcini	Leahy	Thurmond
Dodd	Levin	Wellstone
Dorgan	Lieberman	Wofford
Durenberger	Mathews	

#### NAYS—31

Bennett	Grassley	Murkowski
Brown	Gregg	Nickles
Burns	Hatch	Pressler
Byrd	Helms	Roth
Coats	Kassebaum	Simpson
Coverdell	Kempthorne	Smith
Craig	Lott	Stevens
Dole	Lugar	Wallop
Domenici	Mack	Warner
Faircloth	McCain	
Gorton	McConnell	

#### NOT VOTING—7

Breaux	Hutchison	Rockefeller
Chafee	Johnston	
Gramm	Moseley-Braun	

So the bill (H.R. 2884), as amended, was passed, as follows:

H.R. 2884

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "School-to-Work Opportunities Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings.

Sec. 3. Purposes and congressional intent.  
Sec. 4. Definitions.

Sec. 5. Federal administration.

#### TITLE I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS

Sec. 101. General program requirements.  
Sec. 102. Work-based learning component.  
Sec. 103. School-based learning component.  
Sec. 104. Connecting activities component.

#### TITLE II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES

Subtitle A—State Development Grants

Sec. 201. Purpose.  
Sec. 202. State development grants.

Subtitle B—State Implementation Grants

Sec. 211. Purpose.  
Sec. 212. State implementation grants.  
Sec. 213. Limitation on administrative costs.

#### TITLE III—FEDERAL IMPLEMENTATION GRANTS TO PARTNERSHIPS

Sec. 301. Purposes.  
Sec. 302. Federal implementation grants to partnerships.  
Sec. 303. School-to-work opportunities program grants in high poverty areas and in congressional districts with low population densities.

#### TITLE IV—NATIONAL PROGRAMS

Sec. 401. Research, demonstration, and other projects.  
Sec. 402. Performance outcomes and evaluation.  
Sec. 403. Training and technical assistance.

#### TITLE V—GENERAL PROVISIONS

Sec. 501. State request and responsibilities for a waiver of statutory and regulatory requirements.  
Sec. 502. Waivers of statutory and regulatory requirements by the Secretary of Education.  
Sec. 503. Waivers of statutory and regulatory requirements by the Secretary of Labor.  
Sec. 504. Combination of Federal funds for high poverty schools.  
Sec. 505. Combination of Federal funds by States.  
Sec. 506. Requirements.  
Sec. 507. Sanctions.  
Sec. 508. Authorization of appropriations.  
Sec. 509. Acceptance of gifts, and other matters.  
Sec. 510. State authority.  
Sec. 511. Construction.  
Sec. 512. Additional Federal requirements.  
Sec. 513. Sense of the Senate.

#### TITLE VI—OTHER PROGRAMS

Sec. 601. Tech-prep education.

#### TITLE VII—TECHNICAL PROVISIONS

Sec. 701. Effective date.  
Sec. 702. Sunset.

#### TITLE VIII—ALASKA NATIVE ART AND CULTURE

Sec. 801. Short title.  
Sec. 802. Alaska Native art and culture.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) three-fourths of America's high school students enter the work force without baccalaureate degrees, and many do not possess the academic and entry-level occupational skills necessary to succeed in the changing American workplace;

(2) a substantial number of American youth, especially disadvantaged students, students of diverse racial, ethnic, and cultural backgrounds, and students with disabilities, do not complete school;

(3) unemployment among American youth is intolerably high, and earnings of high school

graduates have been falling relative to earnings of persons with more education;

(4) the American workplace is changing in response to heightened international competition and new technologies, and such forces, which are ultimately beneficial to the Nation, are shrinking the demand for and undermining the earning power of unskilled labor;

(5) the United States lacks a comprehensive and coherent system to help its youth acquire the knowledge, skills, abilities, and information about and access to the labor market necessary to make an effective transition from school to career-oriented work or to further education and training;

(6) American students can achieve to high standards, and many learn better and retain more when the students learn in context, rather than in the abstract;

(7) while many American students have part-time jobs, there is infrequent linkage between—

(A) such jobs; and  
(B) the career planning or exploration, or the school-based learning, of such students;

(8) the work-based learning approach, which is modeled after the time-honored apprenticeship concept, integrates theoretical instruction with structured on-the-job training, and this approach, combined with school-based learning, can be very effective in engaging student interest, enhancing skill acquisition, developing positive work attitudes, and preparing youth for high-skill, high-wage careers; and

(9) Federal resources currently fund a series of categorical, work-related education and training programs, many of which serve disadvantaged youth, that are not administered as a coherent whole.

#### SEC. 3. PURPOSES AND CONGRESSIONAL INTENT.

(a) PURPOSES.—The purposes of this Act are to—

(i) establish a national framework within which all States can create statewide School-to-Work Opportunities systems that—

(A) are a part of comprehensive education reform;

(B) are integrated with the State education systems reformed under the Goals 2000: Educate America Act; and

(C) offer opportunities for all students to participate in a performance-based education and training program that will—

(i) enable the students to earn portable credentials;

(ii) prepare the students for first jobs in high-skill, high-wage careers; and

(iii) increase their opportunities for further education, including education in a 4-year college or university;

(2) create a universal, high-quality school-to-work transition system that enables all young Americans to identify and navigate paths to productive and progressively more rewarding roles in the workplace;

(3) utilize workplaces as active learning environments in the educational process by making employers joint partners with educators in providing opportunities for all students to participate in high-quality, work-based learning experiences;

(4) use Federal funds under this Act as venture capital, to underwrite the initial costs of planning and establishing statewide School-to-Work Opportunities systems that will be maintained with other Federal, State, and local resources;

(5) promote the formation of partnerships that are dedicated to linking the worlds of school and work, among secondary schools and postsecondary education institutions, private and public employers, labor organizations, government, community-based organizations, parents, students, State educational agencies, local educational agencies, and training and human service agencies;

(6) help all students attain high academic and occupational standards;

(7) build on and advance a range of promising school-to-work transition programs, such as tech-prep education programs, career academies, school-to-apprenticeship programs, cooperative education programs, youth apprenticeship programs, school-sponsored enterprises, and business-education compacts, that can be developed into programs funded under this Act;

(8) improve the knowledge and skills of youth by integrating academic and occupational learning, integrating school-based and work-based learning, and building effective linkages between secondary and postsecondary education;

(9) encourage the development and implementation of programs that will provide paid high-quality, work-based learning experiences;

(10) motivate all youth, including low-achieving youth, youth who have dropped out of school, and youth with disabilities, to stay in or return to school or a classroom setting and strive to succeed, by providing enriched learning experiences and assistance in obtaining good jobs and continuing their education in postsecondary education institutions;

(11) expose students to a vast array of career opportunities, and facilitate the selection of career majors, based on individual interests, goals, strengths, and abilities; and

(12) further the National Education Goals set forth in title I of the Goals 2000: Educate America Act.

(b) CONGRESSIONAL INTENT.—It is the intent of Congress that the Secretary of Labor and the Secretary of Education jointly administer this Act, in consultation with the Secretary of Commerce, in a flexible manner that—

(1) promotes State and local discretion in establishing and implementing School-to-Work Opportunities systems and programs; and

(2) contributes to reinventing government by—

(A) building on State and local capacity;

(B) eliminating duplication in education and training programs for youth by integrating such programs into one comprehensive system;

(C) maximizing the effective use of resources;

(D) supporting locally established initiatives;

(E) requiring measurable goals for performance; and

(F) offering flexibility in meeting such goals.

#### SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "all aspects of the industry" means all aspects of the industry or industry sector a student is preparing to enter, including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety issues, and environmental issues, related to such industry or industry sector;

(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;

(3) the term "approved plan" means a School-to-Work Opportunities system plan that is submitted by a State under section 212(a), is determined by the Secretaries to include the program components described in sections 102 through 104 and otherwise meet the requirements of this Act, and is consistent with the improvement plan of the State, if any, under the Goals 2000: Educate America Act;

(4) the term "career major" means a coherent sequence of courses or field of study that prepares a student for a first job and that—

(A) integrates academic and occupational learning, integrates school-based and work-



based learning, establishes linkages between secondary and postsecondary education, and prepares students for admission to 2-year or 4-year postsecondary education institutions;

(B) prepares the student for employment in broad occupational clusters or industry sectors;

(C) typically includes at least 2 years of secondary education and at least 1 or 2 years of postsecondary education;

(D) provides the students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are planning to enter;

(E) results in the award of—

(i) a high school diploma or its equivalent, such as—

(I) a general equivalency diploma; or

(II) an alternative diploma or certificate for students with disabilities for whom such alternative diploma or certificate is appropriate;

(ii) a certificate or diploma recognizing successful completion of 1 or 2 years of postsecondary education (if appropriate); and

(iii) a skill certificate; and

(F) may lead to further education and training, such as entry into a registered apprenticeship program, or may lead to admission to a 4-year college or university;

(5) the term "employer" includes both public and private employers;

(6) the term "Governor" means the chief executive of a State;

(7) the term "local educational agency" has the meaning given the term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12));

(8) the term "partnership" means a local entity that—

(A) is responsible for carrying out local School-to-Work Opportunities programs;

(B) consists of employers or employer organizations, public secondary schools and postsecondary educational institutions (or representatives, such as teachers, counselors, and administrators), and labor organizations or non-managerial employee representatives; and

(C) may include other entities, such as community-based organizations, national trade associations working at local levels, rehabilitation agencies and organizations, registered apprenticeship agencies, local vocational education entities, proprietary institutions of higher education as defined in section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) (so long as such institutions meet the requirements specified in section 498 of such Act), local government agencies, parent organizations and teacher organizations, vocational student organizations, private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512), and Indian tribes, as defined in section 1 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801);

(9) the term "postsecondary education institution" means a public or private institution that is authorized within a State to provide a program of education beyond secondary education, and includes a community college, a technical college, a postsecondary vocational institution, a tribally controlled community college, as defined in section 1 of the Tribally Controlled Community College Assistance Act of 1978, and a 4-year college or university;

(10) the term "registered apprenticeship agency" means the Bureau of Apprenticeship and Training in the Department of Labor or a State apprenticeship agency recognized and approved by the Bureau of Apprenticeship and Training as the appropriate body for State registration or approval of local apprenticeship programs and agreements for Federal purposes;

(11) the term "registered apprenticeship program" means a program registered by a registered apprenticeship agency;

(12) the term "related services" includes the types of services described in section 602(17) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(17));

(13) the term "school site mentor" means a professional employed at a school who is designated as the advocate for a particular student, and who works in consultation with classroom teachers, counselors, related services personnel, and the employer of the student to design and monitor the progress of the School-to-Work Opportunities program of the student;

(14) the term "School-to-Work Opportunities program" means a program that meets the requirements of this Act, other than a program described in section 401(a);

(15) the term "secondary school" has the meaning given the term in section 1201(d) of the Higher Education Act of 1965 (20 U.S.C. 1141(d));

(16) the term "Secretaries" means the Secretary of Education and the Secretary of Labor;

(17) the term "skill certificate" means a portable, industry-recognized credential issued by a School-to-Work Opportunities program under an approved plan, that certifies that a student has mastered skills at levels that are at least as challenging as skill standards endorsed by the National Skill Standards Board established under the National Skill Standards Act of 1993, except that until such skill standards are developed, the term "skill certificate" means a credential issued under a process described in the approved plan of a State;

(18) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(19) the term "State educational agency" has the meaning given the term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)); and

(20) the term "workplace mentor" means an employee or other individual, approved by the employer at a workplace, who possesses the skills and knowledge to be mastered by a student, and who instructs the student, critiques the performance of the student, challenges the student to perform well, and works in consultation with classroom teachers and the employer of the student.

#### SEC. 5. FEDERAL ADMINISTRATION.

(a) **JOINT ADMINISTRATION.**—Notwithstanding the Department of Education Organization Act (20 U.S.C. 3401 et seq.), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Act entitled "An Act To Create a Department of Labor", approved March 4, 1913 (29 U.S.C. 551 et seq.), and section 166 of the Job Training Partnership Act (29 U.S.C. 1576), the Secretaries shall jointly provide for the administration of the programs established by this Act. The Secretaries shall jointly issue such uniform procedures, guidelines, and regulations, in accordance with section 553 of title 5, United States Code, as the Secretaries determine to be necessary and appropriate to administer and enforce the provisions of this Act.

(b) **REGULATIONS.**—Section 431 of the General Education Provisions Act (20 U.S.C. 1232) shall not apply to regulations issued with respect to any programs under this Act.

(c) **PLAN.**—Within 120 days after the date of enactment of this Act, the Secretaries shall prepare a plan for the joint administration of this Act and submit such plan to the appropriate Committees of Congress for review and comment.

#### TITLE I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS

##### SEC. 101. GENERAL PROGRAM REQUIREMENTS.

A School-to-Work Opportunities program under this Act shall—

(1) integrate school-based learning and work-based learning, as provided for in sections 102 and 103, integrate academic and occupational

learning, and establish effective linkages between secondary and postsecondary education;

(2) provide participating students with the opportunity to complete career majors;

(3) incorporate the program components provided in sections 102 through 104;

(4) provide participating students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are preparing to enter; and

(5) provide all students with equal access to the full range of such program components (including both school- and work-based learning components) and related activities and to recruitment, enrollment, and placement activities.

##### SEC. 102. WORK-BASED LEARNING COMPONENT.

(a) **MANDATORY ACTIVITIES.**—The work-based learning component of a School-to-Work Opportunities program shall include—

(1) work experience;

(2) a planned program of job training and work experiences (including training related to preemployment and employment skills to be mastered at progressively higher levels) that are coordinated with learning in the school-based learning component described in section 103 and are relevant to the career majors of students and lead to the award of skill certificates;

(3) workplace mentoring; and

(4) instruction in general workplace competencies, including instruction and activities developing positive work attitudes, and employability and participative skills.

(b) **PERMISSIBLE ACTIVITIES.**—Such component may include such activities as job shadowing, school-sponsored enterprises, or on-the-job training for academic credit.

##### SEC. 103. SCHOOL-BASED LEARNING COMPONENT.

The school-based learning component of a School-to-Work Opportunities program shall include—

(1) career exploration and counseling, beginning prior to the 11th grade year of the students, in order to help students who may be interested to identify, and select or reconsider, their interests, goals, and career majors;

(2) initial selection by interested students of career majors not later than the beginning of the 11th grade;

(3) a program of study designed to meet academic standards established by the State for all students, including, where applicable, any content standards developed under the Goals 2000: Educate America Act, and to meet the requirements necessary to prepare students for postsecondary education and to earn skill certificates; and

(4) regularly scheduled evaluations involving ongoing consultation and problem solving with students to identify academic strengths and weaknesses, academic progress, workplace knowledge, goals, and the need for additional learning opportunities to master core academic and vocational skills.

##### SEC. 104. CONNECTING ACTIVITIES COMPONENT.

The connecting activities component of a School-to-Work Opportunities program shall include—

(1) matching students with the work-based learning opportunities of employers;

(2) serving, with respect to each student, as a liaison among the student and the employer, school, teacher, school administrator, and parent of the student, and, if appropriate, other community partners;

(3) providing technical assistance and services to employers, including small- and medium-sized businesses, and other parties in—

(A) designing work-based learning components described in section 102 and counseling and case management services; and

(B) training teachers, workplace mentors, school site mentors, and counselors;

(4) providing assistance to schools and employers to integrate school-based and work-based learning and integrate academic and occupational learning in the program;

(5) encouraging the active participation of employers, in cooperation with local education officials, in the implementation of local activities described in section 102, 103, or this section;

(6)(A) providing assistance to participants who have completed the program in finding an appropriate job, continuing their education, or entering into an additional training program; and

(B) linking the participants with other community services that may be necessary to assure a successful transition from school to work;

(7) collecting and analyzing information regarding post-program outcomes of participants in the School-to-Work Opportunities program, including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students; and

(8) linking youth development activities under this Act with employer and industry strategies for upgrading the skills of their workers.

## **TITLE II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES**

### **Subtitle A—State Development Grants**

#### **SEC. 201. PURPOSE.**

The purpose of this subtitle is to assist States in planning and developing comprehensive, statewide systems for school-to-work opportunities.

#### **SEC. 202. STATE DEVELOPMENT GRANTS.**

##### **(a) IN GENERAL.—**

(1) **AWARD.**—On the application of the Governor on behalf of a State, the Secretaries may award a development grant to the State in such amount as the Secretaries determine to be necessary to enable the State to complete development of a comprehensive, statewide School-to-Work Opportunities system.

(2) **AMOUNT.**—The amount of a development grant under this subtitle may not exceed \$1,000,000 for any fiscal year.

(3) **COMPLETION.**—The Secretaries may award such grant to complete development initiated with funds awarded under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(b) **APPLICATION CONTENTS.**—To be eligible to receive a grant under subsection (a), a State shall submit an application to the Secretaries that shall—

(1) include a timetable and an estimate of the amount of funding needed to complete the planning and development necessary to implement a comprehensive, statewide School-to-Work Opportunities system, for all students;

(2) describe the manner in which—

(A) the Governor;

(B) the State educational agency;

(C) the State agency officials responsible for job training and employment;

(D) the State agency officials responsible for economic development;

(E) the State agency officials responsible for postsecondary education;

(F) representatives of the private sector; and

(G) other appropriate officials,

will collaborate in the planning and development of the statewide School-to-Work Opportunities system;

(3) describe the manner in which the State has obtained and will continue to obtain the active and continued participation, in the planning and development of the statewide School-to-Work Opportunities system, of employers and

other interested parties such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, clergy, rehabilitation agencies and organizations, registered apprenticeship agencies, vocational educational agencies, vocational student organizations, and human service agencies;

(4) describe the manner in which the State will coordinate planning activities with any local school-to-work programs, including programs that have received a grant under title III, if any;

(5) designate a fiscal agent to receive and be accountable for funds awarded under this subtitle;

(6) include such other information as the Secretaries may require; and

(7) be submitted at such time and in such manner as the Secretaries may require.

(c) **STATE DEVELOPMENT ACTIVITIES.**—Funds awarded under this section shall be expended by a State only for activities undertaken to develop a statewide School-to-Work Opportunities system, which may include—

(1) identifying or establishing an appropriate State structure to administer the School-to-Work Opportunities system;

(2) identifying secondary and postsecondary school-to-work programs that might be incorporated into the State system;

(3) identifying or establishing broad-based partnerships among employers, labor, education, government, and other community and parent organizations to participate in the design, development, and administration of School-to-Work Opportunities programs;

(4) developing a marketing plan to build consensus and support for School-to-Work Opportunities programs;

(5) promoting the active involvement of business, including small- and medium-sized businesses, in planning, developing, and implementing local School-to-Work Opportunities programs;

(6) identifying ways that local school-to-work programs could be coordinated with the statewide School-to-Work Opportunities system;

(7) supporting local planning and development activities to provide guidance, training, and technical assistance in the development of School-to-Work Opportunities programs;

(8) identifying or establishing mechanisms for providing training and technical assistance to enhance the development of a statewide School-to-Work Opportunities system;

(9) initiating pilot programs for testing key components of the program design of programs under the system;

(10) developing a State process for issuing skill certificates that is, to the extent feasible, consistent with the efforts of the National Skill Standards Board and the skill standards endorsed under the National Skill Standards Act of 1993;

(11) designing challenging curricula, in cooperation with representatives of local partnerships, that take into account the diverse learning needs and abilities of the student population served by the system;

(12) developing a system for labor market analysis and strategic planning for local targeting, of industry sectors or broad occupational clusters, that can provide students with placements in high-skill workplaces;

(13) analyzing the post-high school employment experiences of recent high school graduates and students who have dropped out of school;

(14) preparing the plan described in section 212(b); and

(15) developing a training and technical support system for teachers, employers, mentors, counselors, related services personnel, and other parties.

##### **(d) GRANTS TO CONSORTIA.—**

(1) **IN GENERAL.**—The Secretaries may make grants under subsection (a) to consortia of congressional districts with low population densities, to enable each such consortium to complete development of comprehensive, consortiawide School-to-Work Opportunities systems. Each such system shall be implemented by individuals selected by the States in which the system is located. Each such system shall meet the requirements of this Act for such a system, except as otherwise provided in this subsection.

(2) **AMOUNT.**—Notwithstanding any other provision of this section, the amount of a development grant under this subtitle to a consortium shall be in such amount as the Secretaries may determine to be appropriate.

(3) **APPLICATION.**—For purposes of the application of this subtitle to a consortium:

(A) **GOVERNOR.**—References to a Governor shall be deemed to be references to an official designated by the consortium to carry out the duties of a Governor under this subtitle.

(B) **STATE.**—References to a State shall be deemed to be references to the consortium.

(C) **OFFICIAL.**—References to an official of a State shall be deemed to be references to such an official of any of the States in which the consortium is located.

(4) **ABILITY OF STATE TO CARRY OUT PROGRAM.**—Nothing in this subsection shall limit the ability of a State to carry out a statewide School-to-Work Opportunities system in the State, even if a congressional district located in the State participates in a consortium under paragraph (1).

(5) **DEFINITION.**—As used in this subsection, the term "consortia of congressional districts with low population densities" means a consortia of congressional districts, each congressional district of which has an average population density of less than 20.00 persons per square mile, based on 1993 data from the Bureau of the Census.

### **Subtitle B—State Implementation Grants**

#### **SEC. 211. PURPOSE.**

The purpose of this subtitle is to assist States in the implementation of comprehensive, statewide School-to-Work Opportunities systems.

#### **SEC. 212. STATE IMPLEMENTATION GRANTS.**

##### **(a) IN GENERAL.—**

(1) **ELIGIBILITY.**—On the application of the Governor on behalf of a State, the Secretaries may award, on a competitive basis, a 5-year implementation grant to the State.

(2) **APPLICATION.**—To be eligible to receive a grant under paragraph (1), a State shall submit an application to the Secretaries that shall—

(A) contain—

(i) a plan for a comprehensive, statewide School-to-Work Opportunities system that meets the requirements of subsection (b);

(ii) a description of the manner in which the State will allocate funds made available through such a grant to local School-to-Work Opportunities partnerships under subsection (g);

(iii) a request, if the State decides to submit such a request, for one or more waivers of certain statutory or regulatory requirements, as provided for under title V;

(iv) a description of the manner in which—

(I) the Governor;

(II) the State educational agency;

(III) the State agency officials responsible for job training and employment;

(IV) the State agency officials responsible for economic development;

(V) the State agency officials responsible for postsecondary education;



- (VI) other appropriate officials; and  
(VII) the private sector,

collaborated in the development of the application; and

- (v) such other information as the Secretaries may require; and

(B) be submitted at such time and in such manner as the Secretaries may require.

(b) CONTENTS OF STATE PLAN.—A State plan referred to in subsection (a)(2)(A)(i) shall—

(1) designate the geographical areas, including urban and rural areas, to be served by partnerships that receive grants under subsection (g), which shall, to the extent feasible, reflect local labor market areas;

(2) describe the manner in which the State will stimulate and support local School-to-Work Opportunities programs that meet the requirements of this Act, and the manner in which the statewide School-to-Work Opportunities system will be expanded over time to cover all geographic areas in the State;

(3) describe the procedure by which—

- (A) the Governor;  
(B) the State educational agency;  
(C) the State agency officials responsible for job training and employment;  
(D) the State agency officials responsible for economic development;  
(E) the State agency officials responsible for postsecondary education;  
(F) representatives of the private sector; and  
(G) other appropriate officials,

will collaborate in the implementation of the statewide School-to-Work Opportunities system;

(4) describe the manner in which the State has obtained and will continue to obtain the active and continued involvement, in the statewide School-to-Work Opportunities system, of employers and other interested parties such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, clergy, rehabilitation agencies and organizations, registered apprenticeship agencies, vocational educational agencies, vocational student organizations, State or regional cooperative education associations, and human service agencies;

(5) describe the manner in which the School-to-Work Opportunities system will coordinate with or integrate local school-to-work programs, including programs financed from State and private sources, with funds available from such related Federal programs as programs under the Adult Education Act (20 U.S.C. 1201 et seq.), the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301, et seq.), the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.), the Goals 2000: Educate America Act, the National Skills Standards Act of 1993, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);

(6) describe the strategy of the State for providing training for teachers, employers, mentors, counselors, related services personnel, and other parties;

(7) describe the strategy of the State for incorporating project-oriented, experiential learning programs which integrate theory and academic knowledge with hands-on skills and applica-

tions into the school curriculum for all students in the State;

(8) describe the resources, including private sector resources, that the State intends to employ in maintaining the School-to-Work Opportunities system when funds under this Act are no longer available;

(9) describe the extent to which the School-to-Work Opportunities system will include programs that will provide paid high-quality, work-based learning experiences;

(10) describe the manner in which the State will ensure effective and meaningful opportunities for all students in the State to participate in School-to-Work Opportunities programs;

(11) describe the goals of the State and the methods the State will use, such as awareness and outreach, to ensure opportunities for young women to participate in School-to-Work Opportunities programs in a manner that leads to employment in high-performance, high-paying jobs, including nontraditional employment;

(12) describe the manner in which the State will ensure opportunities for low-achieving students, students with disabilities, and former students who have dropped out of school, to participate in School-to-Work Opportunities programs;

(13) describe the process of the State for assessing the skills and knowledge required in career majors, and the process for awarding skill certificates that is consistent with the efforts of the National Skill Standards Board and the skill standards endorsed under the National Skill Standards Act of 1993;

(14) describe the manner in which the State will ensure that students participating in the programs are provided, to the greatest extent possible, with flexibility to develop new career goals over time and to change career majors without adverse consequences;

(15) describe the manner in which the State will, to the extent feasible, continue programs funded under section 302 in the statewide School-to-Work Opportunities system;

(16) describe the manner in which local school-to-work programs, including programs funded under section 302, if any, will be integrated into the statewide School-to-Work Opportunities system;

(17) describe the performance standards that the State intends to meet; and

(18) designate a fiscal agent to receive and be accountable for funds awarded under this subtitle.

(c) REVIEW OF APPLICATIONS.—In reviewing each application submitted under subsection (a), the Secretaries shall submit the application to a peer review process, determine whether to approve the plan described in subsection (b), and, if such determination is affirmative, further determine whether to take one or more of the following actions:

(1) Award an implementation grant described in subsection (a) to the State submitting the application.

(2) Approve the request of the State, if any, for a waiver in accordance with the procedures set forth in title V.

(3) Inform the State of the opportunity to apply for further development funds under subtitle A, by submitting to the Secretaries an application that includes a timetable and an estimate of the amount of funding needed to complete the planning and development necessary to implement a comprehensive, statewide School-to-Work Opportunities system, except that further development funds may not be awarded to a State that receives an implementation grant under subsection (e).

(d) REVIEW CONSIDERATIONS.—In evaluating an application submitted under subsection (a), the Secretaries shall—

(1) take into consideration the quality of the application, including the replicability, sustain-

ability, and innovation of programs described in the application;

(2) give priority to applications, based on the extent to which the system described in the application would limit administrative costs and increase amounts spent on delivery of services to students enrolled in programs carried out through the system under this Act;

(3) give priority to applications that describe the highest levels of—

(A) concurrence with the plan for the system; and

(B) collaboration in the development and implementation of the system; and

(4) give priority to applications that describe systems that include programs that will provide paid high-quality, work-based learning experiences;

by appropriate State agencies and officials and the private sector.

(e) GRANT AMOUNT AND DURATION OF GRANT.—

(1) AMOUNT.—The Secretaries shall establish the minimum and maximum amounts available for an implementation grant under subsection (a), and shall determine the actual amount granted to any State under such subsection, based on such criteria as the scope and quality of the plan described in subsection (b) and the number of projected participants in programs carried out through the system.

(2) DURATION.—No State shall be awarded more than one implementation grant.

(f) STATE IMPLEMENTATION ACTIVITIES.—A State shall expend funds awarded through grants under subsection (a) only for activities undertaken to implement the School-to-Work Opportunities system of the State, which may include—

(1) recruiting and providing assistance to employers to provide work-based learning for all students;

(2) conducting outreach activities to promote and support collaboration, in School-to-Work Opportunities programs, by businesses, labor organizations, and other organizations;

(3) providing training for teachers, employers, workplace mentors, school site mentors, counselors, related services personnel, and other parties;

(4) providing labor market information to local partnerships that is useful in determining which high-skill, high-wage occupations are in demand;

(5) designing or adapting model curricula that can be used to integrate academic and occupational learning, school-based and work-based learning, and secondary and postsecondary education, for all students in the State;

(6) designing or adapting model work-based learning programs and identifying best practices for such programs;

(7) conducting outreach activities and providing technical assistance to other States that are developing or implementing School-to-Work Opportunities systems;

(8) reorganizing and streamlining School-to-Work Opportunities systems in the State to facilitate the development of a comprehensive statewide School-to-Work Opportunities system;

(9) identifying ways that existing local school-to-work programs could be integrated with the statewide School-to-Work Opportunities system;

(10) designing career awareness and exploration activities, which may begin as early as the elementary grades, such as job shadowing, job site visits, school visits by individuals in various occupations, and mentoring;

(11) designing and implementing school-sponsored work experiences, such as school-sponsored enterprises and community development projects; and

(12) providing career exploration and awareness services, counseling and mentoring services,

college awareness and preparation services, and other services to prepare students for the transition from school to work.

(g) **ALLOCATION OF FUNDS TO PARTNERSHIPS.**—A State that receives a grant under subsection (a) shall award grants, according to criteria established by the State, to partnerships to carry out local School-to-Work Opportunities programs. In awarding such grants, the State shall use not less than 65 percent of the sums awarded to the State under subsection (a) in the first year in which the State awards such grants, 75 percent of such sums in the second such year, and 85 percent of such sums in each such year thereafter.

(h) **STATE SUBGRANTS TO PARTNERSHIPS.**—

(1) **APPLICATION.**—A partnership that seeks a grant to carry out a local School-to-Work Opportunities program, including a program initiated under section 302, shall submit an application to the State that—

(A) describes how the program would include the program components described in sections 102, 103, and 104 and otherwise meet the requirements of this Act;

(B) sets forth measurable program goals and outcomes;

(C) describes the local strategies and time-tables of the partnership to provide School-to-Work Opportunities program opportunities for all students in the area served;

(D) describes the extent to which the program will provide paid high-quality, work-based learning experiences;

(E) describes the process that will be used to ensure employer involvement in the development and implementation of the School-to-Work Opportunities program;

(F) provides such other information as the State may require; and

(G) is submitted at such time and in such manner as the State may require.

(2) **ALLOWABLE ACTIVITIES.**—A partnership shall expend funds awarded through grants under this subsection only for activities undertaken to carry out local School-to-Work Opportunities programs, and such activities may include, for each such program—

(A) recruiting and providing assistance to employers, including small- and medium-size businesses, to provide the work-based learning components described in section 102 in the School-to-Work Opportunities program;

(B) establishing consortia of employers to support the School-to-Work Opportunities program and provide access to jobs related to the career majors of students;

(C) supporting or establishing intermediaries (selected from among the members of the partnership) to perform the activities described in section 104 and to provide assistance to students in obtaining jobs and further education and training;

(D) designing or adapting school curricula that can be used to integrate academic and occupational learning, school-based and work-based learning, and secondary and postsecondary education for all students in the area served;

(E) providing training to work-based and school-based staff on new curricula, student assessments, student guidance, and feedback to the school regarding student performance;

(F) establishing, in schools participating in the School-to-Work Opportunities program, a graduation assistance program to assist at-risk students, low-achieving students, and students with disabilities, in graduating from high school, enrolling in postsecondary education or training, and finding or advancing in jobs;

(G) conducting or obtaining an indepth analysis of the local labor market and the generic and specific skill needs of employers to identify high-demand, high-wage careers to target;

(H) integrating work-based and school-based learning into existing job training programs for youth who have dropped out of school;

(I) establishing or expanding school-to-apprenticeship programs in cooperation with registered apprenticeship agencies and apprenticeship sponsors;

(J) assisting participating employers, including small- and medium-size businesses, to identify and train workplace mentors and to develop work-based learning components;

(K) designing local strategies to provide adequate planning time and staff development activities for teachers, school counselors, related services personnel, and school site mentors;

(L) enhancing linkages between—  
(i) after-school, weekend, and summer jobs; and

(ii) opportunities for career exploration and school-based learning; and

(M) providing career exploration and awareness services, counseling and mentoring services, college awareness and preparation services, and other services to prepare students for the transition from school to work.

(i) **GRANTS TO CONSORTIA.**—

(1) **IN GENERAL.**—The Secretaries may make grants under subsection (a) to consortia of congressional districts with low population densities, to enable each such consortium to implement comprehensive, consortia-wide School-to-Work Opportunities systems. Each such system shall be implemented by individuals selected by the States in which the system is located. Each such system shall meet the requirements of this Act for such a system, except as otherwise provided in this subsection.

(2) **AMOUNT.**—Notwithstanding any other provision of this section, the amount of an implementation grant under this subtitle to a consortium shall be in such amount as the Secretaries may determine to be appropriate.

(3) **APPLICATION.**—For purposes of the application of this subtitle to a consortium:

(A) **GOVERNOR.**—References to a Governor shall be deemed to be references to an official designated by the consortium to carry out the duties of a Governor under this subtitle.

(B) **STATE.**—References to a State shall be deemed to be references to the consortium.

(C) **OFFICIAL.**—References to an official of a State shall be deemed to be references to such an official of any of the States in which the consortium is located.

(4) **WAIVERS.**—In order for a consortium that receives a grant under this section to receive a waiver under title V with respect to a congressional district located within a State, the State and officials of the State shall comply with the applicable requirements of title V for such a waiver.

(5) **ABILITY OF STATE TO CARRY OUT PROGRAM.**—Nothing in this subsection shall limit the ability of a State to carry out a statewide School-to-Work Opportunities system in the State, even if a congressional district located in the State participates in a consortium under paragraph (1).

(6) **DEFINITION.**—As used in this subsection, the term "consortia of congressional districts with low population densities" means a consortium of congressional district, each congressional district of which has an average population density of less than 20.00 persons per square mile, based on 1993 data from the Bureau of the Census.

#### SEC. 213. LIMITATION ON ADMINISTRATIVE COSTS.

(a) **STATE SYSTEM.**—A State that receives an implementation grant under section 212 may not use more than 15 percent of the amounts received through the grant for any fiscal year for administrative costs associated with implementing the School-to-Work Opportunities system of the State for such fiscal year.

(b) **LOCAL PROGRAM.**—A partnership that receives a grant under section 212 may not use more than 15 percent of the amounts received through the grant for any fiscal year for administrative costs associated with carrying out the School-to-Work Opportunities programs of the partnership for such fiscal year.

### TITLE III—FEDERAL IMPLEMENTATION GRANTS TO PARTNERSHIPS

#### SEC. 301. PURPOSES.

The purposes of this title are—

(1) to authorize the Secretaries to award competitive grants to partnerships in States that have not received, or have only recently received, implementation grants under section 212(a), in order to provide funding for communities that have established a sound planning and development base for School-to-Work Opportunities programs and are ready to begin implementing a local School-to-Work Opportunities program; and

(2) to authorize the Secretaries to award competitive grants to implement School-to-Work Opportunities programs in high poverty areas of urban and rural communities, and to implement such programs in congressional districts with low population densities, to provide support for a comprehensive range of education, training, and support services for youth residing in designated high poverty areas or in congressional districts with low population densities.

#### SEC. 302. FEDERAL IMPLEMENTATION GRANTS TO PARTNERSHIPS.

(a) **IN GENERAL.**—The Secretaries may award Federal implementation grants, in accordance with competitive criteria established by the Secretaries, to partnerships in States that have not received an implementation grant under section 212, or are carrying out activities for an initial year of an initial grant under such section, in order to enable the partnerships to begin implementing local School-to-Work Opportunities programs. A partnership may not receive funds under this section for any fiscal year subsequent to such initial fiscal year.

(b) **APPLICATION PROCEDURE.**—A partnership that desires to receive or extend a Federal implementation grant under this section shall submit an application to the Secretaries at such time and in such manner as the Secretaries may require. The partnership shall submit the application to the State for review and comment before submitting the application to the Secretaries. The Secretaries shall submit the application to a peer review process.

(c) **APPLICATION CONTENTS.**—The application described in subsection (b) shall include a plan for local School-to-Work Opportunities programs that—

(1) describes the manner in which the partnership will meet the requirements of this Act;

(2) includes the comments of the State on the plan, if any;

(3) contains information that is consistent with the information required to be submitted as part of a State plan in accordance with paragraphs (4) through (11) of section 212(b);

(4) designates a fiscal agent to receive and be accountable for funds under this section; and

(5) provides such other information as the Secretaries may require.

(d) **CONFORMITY WITH APPROVED PLAN.**—The Secretaries shall not award a grant under this section to a partnership in a State that has an approved plan unless the Secretaries determine, after consultation with the State, that the plan submitted by the partnership is in accordance with the approved plan.

(e) **IMPLEMENTATION ACTIVITIES.**—A partnership shall expend funds awarded under this section only for activities undertaken to implement School-to-Work Opportunities programs, which may include the activities specified in section 212(f).



**SEC. 303. SCHOOL-TO-WORK OPPORTUNITIES PROGRAM GRANTS IN HIGH POVERTY AREAS AND IN CONGRESSIONAL DISTRICTS WITH LOW POPULATION DENSITIES.**

**(a) IN GENERAL.—**

(1) **AWARD OF GRANTS.**—From the funds reserved under section 508(b), the Secretaries are authorized and encouraged to award grants, in accordance with competitive criteria established by the Secretaries, to partnerships to implement School-to-Work Opportunities programs that include the program components described in sections 102, 103, and 104 and otherwise meet the requirements of title I, in high poverty areas and to partnerships to implement such programs in congressional districts with low population densities.

(2) **HIGH POVERTY AREA.**—For purposes of this subsection, the term "high poverty area" means an urban census tract, the block number area in a nonmetropolitan county, or an Indian reservation (as defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)), with a poverty rate of 20 percent or more among youth aged 5 to 17, inclusive, as determined by the Bureau of the Census.

(3) **CONGRESSIONAL DISTRICT WITH A LOW POPULATION DENSITY.**—For purposes of this subsection, the term "congressional district with a low population density" means a congressional district with an average population density of less than 20.00 persons per square mile, based on 1993 data from the Bureau of the Census.

(b) **APPLICATION PROCEDURE.**—A partnership that desires to receive a grant under this section, in addition to any funds received under section 212 or 302, shall submit an application to the Secretaries at such time and in such manner as the Secretaries may require. The partnership shall submit the application to the State for review and comment before submitting the application to the Secretaries. The Secretaries shall submit the application to a peer review process.

(c) **APPLICATION CONTENTS.**—The application described in subsection (b) shall include a plan for local School-to-Work Opportunities programs that—

(1) describes the manner in which the partnership will meet the requirements of this Act;

(2) includes the comments of the State on the plan, if any;

(3) contains information that is consistent with the information required to be submitted as part of a State plan in accordance with paragraphs (4) through (11) of section 212(b);

(4) designates a fiscal agent to receive and be accountable for funds under this section; and

(5) provides such other information as the Secretaries may require.

(d) **CONFORMITY WITH APPROVED PLAN.**—The Secretaries shall not award a grant under this section to a partnership in a State that has an approved plan unless the Secretaries determine, after consultation with the State, that the plan submitted by the partnership is in accordance with the approved plan.

(e) **IMPLEMENTATION ACTIVITIES.**—A partnership shall expend funds awarded under this section only for activities undertaken to implement School-to-Work Opportunities programs, including the activities specified in section 212(h)(2).

(f) **USE OF FUNDS.**—Funds awarded under this section may be awarded in combination with funds awarded under the Youth Fair Chance Program set forth in part H of title IV of the Job Training Partnership Act (29 U.S.C. 1782 et seq.).

**TITLE IV—NATIONAL PROGRAMS**

**SEC. 401. RESEARCH, DEMONSTRATION, AND OTHER PROJECTS.**

(a) **IN GENERAL.**—With funds reserved under section 508(c), the Secretaries shall conduct re-

search and development projects and establish a program of experimental and demonstration projects, to further the purposes of this Act.

(b) **ADDITIONAL USE OF FUNDS.**—Funds reserved under section 508(c) may be used for programs or services authorized under any other provision of this Act that are most appropriately administered at the national level and that will operate in, or benefit, more than one State.

**SEC. 402. PERFORMANCE OUTCOMES AND EVALUATION.**

(a) **IN GENERAL.**—Using funds reserved under section 508(c), the Secretaries, in collaboration with the States, shall establish a system of performance measures for assessing State and local School-to-Work Opportunities programs regarding—

(1) progress in the development and implementation of State plans described in section 212(b) with respect to programs that include the program components described in sections 102, 103, and 104 and otherwise meet the requirements of title I;

(2) participation in School-to-Work Opportunities programs by employers, schools, and students;

(3) progress in developing and implementing strategies for addressing the needs of all students in the State;

(4) progress in meeting the goals of the State to ensure opportunities for young women to participate in School-to-Work Opportunities programs, including participation in nontraditional employment;

(5) outcomes for students in the programs (including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students), which outcomes shall include—

(A) academic learning gains;

(B) progress in staying in school and attaining—

(i) a high school diploma or its equivalent, such as—

(I) a general equivalency diploma; or

(II) an alternative diploma or certificate for students with disabilities for whom such alternative diploma or certificate is appropriate;

(ii) a skill certificate; and

(iii) a postsecondary degree;

(C) attainment of strong experience in and understanding of all aspects of the industry the students are preparing to enter;

(D) placement and retention in further education or training, particularly in the career major of the student; and

(E) job placement, retention, and earnings, particularly in the career major of the student; and

(6) the extent to which the program has met the needs of employers.

(b) **EVALUATION.**—Using funds reserved under section 508(c), the Secretaries shall conduct, through grants, contracts, or other arrangements, a national evaluation of School-to-Work Opportunities programs funded under this Act that will track and assess the progress of implementation of State and local School-to-Work Opportunities programs and their effectiveness based on measures such as the measures described in subsection (a).

**(c) REPORTS TO THE SECRETARIES.—**

(1) **IN GENERAL.**—Each State shall prepare and submit to the Secretaries periodic reports, at such intervals as the Secretaries may determine, containing information described in paragraphs (1) through (5) of subsection (a).

(2) **FEDERAL PROGRAMS.**—Each State shall prepare and submit reports to the Secretaries, at such intervals as the Secretaries may determine, containing information on the extent to which Federal programs implemented at the State and

local level may be duplicative, outdated, overly restrictive, or otherwise counterproductive to the development of comprehensive statewide School-to-Work Opportunities systems.

(d) **REPORT TO THE CONGRESS.**—Using funds reserved under section 508(c), not later than 24 months after the date of enactment of this Act, the Secretaries shall submit a report to the Congress on School-to-Work Opportunities programs and shall, at a minimum, include in such report—

(1) information concerning the programs that receive assistance under this Act;

(2) a summary of the information contained in the State reports submitted under subsection (c); and

(3) information regarding the findings and actions taken as a result of any evaluation conducted by the Secretaries.

**SEC. 403. TRAINING AND TECHNICAL ASSISTANCE.**

(a) **PURPOSE.**—The Secretaries shall work in cooperation with States, employers and associations of employers, secondary schools and postsecondary education institutions, student and teacher organizations, labor organizations, and community-based organizations, to increase their capacity to develop and implement effective School-to-Work Opportunities programs.

(b) **AUTHORIZED ACTIVITIES.**—Using funds reserved under section 508(c), the Secretaries shall provide, through grants, contracts, or other arrangements—

(1) training, technical assistance, and other activities that will—

(A) enhance the skills, knowledge, and expertise of the personnel involved in planning and implementing State and local School-to-Work Opportunities programs; and

(B) improve the quality of services provided to individuals served under this Act;

(2) assistance to States and partnerships involved in carrying out School-to-Work Opportunities programs in order to integrate resources available under this Act with resources available under other Federal, State, and local authorities;

(3) assistance to States and such partnerships to recruit employers to provide the work-based learning component, described in section 102, of School-to-Work Opportunities programs; and

(4) assistance to States and such partnerships to design and implement school-sponsored enterprises.

(c) **PEER REVIEW.**—The Secretaries may use funds reserved under section 508(c) for the peer review of State applications and plans under section 212 and applications under title III.

**(d) NETWORKS AND CLEARINGHOUSES.—**

(1) **ESTABLISHMENT.**—To carry out their responsibilities under subsection (b), the Secretaries shall establish, through grants, contracts, or other arrangements, a Clearinghouse and Capacity Building Network (hereafter referred to in this subsection as the "Clearinghouse").

(2) **FUNCTIONS.**—The Clearinghouse shall—

(A) collect and disseminate information on successful school-to-work programs, and innovative school-based and work-based curricula;

(B) collect and disseminate information on research and evaluation conducted concerning activities carried out through School-to-Work Opportunities programs;

(C) collect and disseminate information that will assist States and partnerships in undertaking labor market analysis, surveys, or other activities related to economic development;

(D) collect and disseminate information on skill certificates, skill standards, and related assessment technologies;

(E) collect and disseminate information on methods for recruiting and building the capacity of employers to provide work-based learning opportunities;

(F) facilitate communication and the exchange of information and ideas among States and partnerships carrying out School-to-Work Opportunities programs; and

(G) carry out such other activities as the Secretaries determine to be appropriate.

(3) **COORDINATION.**—The Secretaries shall coordinate the activities of the Clearinghouse with the activities of other similar entities to avoid duplication and enhance the sharing of relevant information.

#### TITLE V—GENERAL PROVISIONS

##### SEC. 501. STATE REQUEST AND RESPONSIBILITIES FOR A WAIVER OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) **STATE REQUEST FOR WAIVER.**—A State with an approved plan may, at any point during the development or implementation of a School-to-Work Opportunities program, request a waiver of one or more statutory or regulatory provisions from the Secretaries in order to carry out the purposes of this Act, and such requests for waivers shall be submitted as part of the plan or as amendments to the plan.

(b) **PARTNERSHIP REQUEST FOR WAIVER.**—A partnership that seeks a waiver of any of the provisions specified in sections 502 and 503 shall submit an application for such waiver to the State, and the State shall determine whether to submit a request for a waiver to the Secretaries, as provided in subsection (a).

(c) **WAIVER CRITERIA.**—Any such request by the State shall meet the criteria contained in section 502 or 503 and shall specify the provisions or regulations referred to in such sections with respect to which the State seeks a waiver.

(d) **SUPPORT BY APPROPRIATE STATE AGENCIES.**—In requesting such a waiver, the State shall provide evidence of support for the waiver request by the State agencies or officials with jurisdiction over the provisions or regulations that would be waived.

##### SEC. 502. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS BY THE SECRETARY OF EDUCATION.

(a) **IN GENERAL.**—

(1) **WAIVER.**—Except as provided in subsection (c), the Secretary of Education may waive any requirement of any provisions specified in subsection (b) or of the regulations issued under such provisions for a State that requests such a waiver—

(A) if, and only to the extent that, the Secretary of Education determines that such requirement impedes the ability of the State or a partnership to carry out the purposes of this Act;

(B) if the State waives, or agrees to waive, similar requirements of State law; and

(C) if the State—

(i) has provided all partnerships that carry out programs under this Act, and local educational agencies participating in such a partnership, in the State with notice and an opportunity to comment on the proposal of the State to seek a waiver; and

(ii) has submitted the comments of the partnerships and local educational agencies to the Secretary of Education.

(2) **ACTION.**—The Secretary of Education shall act promptly on any request submitted pursuant to paragraph (1).

(3) **TERM.**—Each waiver approved pursuant to this subsection shall be for a period not to exceed 5 years, except that the Secretary of Education may extend such period if the Secretary of Education determines that the waiver has been effective in enabling the State or partnership to carry out the purposes of this Act.

(b) **INCLUDED PROGRAMS.**—The provisions subject to the waiver authority of this section are—

(1) chapter I of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), including the Even Start programs car-

ried out under part B of such chapter (20 U.S.C. 2741 et seq.);

(2) part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2921 et seq.);

(3) part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2981 et seq.);

(4) part D of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3121 et seq.);

(5) title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3171 et seq.); and

(6) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(c) **WAIVERS NOT AUTHORIZED.**—The Secretary of Education may not waive any statutory or regulatory requirement of the provisions specified in subsection (b) relating to—

(1) the basic purposes or goals of the affected programs under such provisions;

(2) maintenance of effort;

(3) comparability of services;

(4) the equitable participation of students attending private schools;

(5) student and parental participation and involvement;

(6) the distribution of funds to State or to local educational agencies;

(7) the eligibility of an individual for participation in the affected programs;

(8) public health or safety, labor, civil rights, occupational safety and health, or environmental protection; or

(9) prohibitions or restrictions relating to the construction of buildings or facilities.

(d) **TERMINATION OF WAIVERS.**—The Secretary of Education shall periodically review the performance of any State or partnership for which the Secretary of Education has granted a waiver under this section and shall terminate the waiver under this section if the Secretary determines that the performance of the State, partnership, or local educational agency affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(B).

##### SEC. 503. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS BY THE SECRETARY OF LABOR.

(a) **IN GENERAL.**—

(1) **WAIVER.**—Except as provided in subsection (c), the Secretary of Labor may waive any requirement of the Act, or any provisions of the Act, specified in subsection (b) or of the regulations issued under such Act or provisions for a State that requests such a waiver—

(A) if, and only to the extent that, the Secretary of Labor determines that such requirement impedes the ability of the State or a partnership to carry out the purposes of this Act;

(B) if the State waives, or agrees to waive, similar requirements of State law; and

(C) if the State—

(i) has provided all partnerships that carry out programs under this Act in the State with notice and an opportunity to comment on the proposal of the State to seek a waiver; and

(ii) has submitted the comments of the partnerships to the Secretary of Labor.

(2) **ACTION.**—The Secretary of Labor shall act promptly on any request submitted pursuant to paragraph (1).

(3) **TERM.**—Each waiver approved pursuant to this subsection shall be for a period not to exceed 5 years, except that the Secretary of Labor may extend such period if the Secretary of Labor determines that the waiver has been effective in enabling the State or partnership to carry out the purposes of this Act.

(b) **INCLUDED PROGRAMS.**—The Act subject to the waiver authority of this section is the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(c) **WAIVERS NOT AUTHORIZED.**—The Secretary of Labor may not waive any statutory or regulatory requirement of the Act, or any provision of the Act, specified in subsection (b) relating to—

(1) the basic purposes or goals of the affected programs under such provisions;

(2) maintenance of effort;

(3) the allocation of funds under the affected programs;

(4) the eligibility of an individual for participation in the affected programs;

(5) public health or safety, labor, civil rights, occupational safety and health, or environmental protection; or

(6) prohibitions or restrictions relating to the construction of buildings or facilities.

(d) **TERMINATION OF WAIVERS.**—The Secretary of Labor shall periodically review the performance of any State or partnership for which the Secretary of Labor has granted a waiver under this section and shall terminate the waiver under this section if the Secretary determines that the performance of the State or partnership affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(B).

##### SEC. 504. COMBINATION OF FEDERAL FUNDS FOR HIGH POVERTY SCHOOLS.

(a) **IN GENERAL.**—

(1) **PURPOSES.**—The purposes of this section are—

(A) to integrate activities under this Act with school-to-work transition activities carried out under other programs; and

(B) to maximize the effective use of resources.

(2) **COMBINATION OF FUNDS.**—To carry out such purposes, a local partnership that receives assistance under title II or III may carry out schoolwide school-to-work activities in schools that meet the requirements of subparagraphs (A) and (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1)(A) and (B)) with funds obtained by combining—

(A) Federal funds under this Act; and

(B) other Federal funds made available from among programs under—

(i) the provisions of law listed in paragraphs (2) through (6) of section 502(b); and

(ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(b) **USE OF FUNDS.**—A local partnership may use the Federal funds combined under subsection (a) under the requirements of this Act, except that the provisions relating to the matters specified in paragraphs (1) through (6) and paragraphs (8) and (9) of section 502(c), and paragraph (1) and paragraphs (3) through (6) of section 503(c), that relate to the program through which the funds described in subsection (a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

(c) **ADDITIONAL INFORMATION IN APPLICATION.**—A local partnership seeking to combine funds under subsection (a) shall include in the application of the partnership under title II or III—

(1) a description of the funds the partnership proposes to combine under the requirements of this Act;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in schoolwide school-to-work activities; and

(4) such other information as the State, or Secretaries, as the case may be, may require.

(d) **DISSEMINATION OF INFORMATION.**—The local partnership shall, to the extent feasible,



provide information on the proposed combination of Federal funds under subsection (a) to parents, students, educators, advocacy and civil rights organizations, and the public.

#### SEC. 505. COMBINATION OF FEDERAL FUNDS BY STATES.

##### (a) IN GENERAL.—

(1) PURPOSES.—The purposes of this section are—

(A) to integrate activities under this Act with State school-to-work transition activities carried out under other programs; and

(B) to maximize the effective use of resources.

(2) COMBINATION OF FUNDS.—To carry out such purposes, a State that receives assistance under title II may carry out activities necessary to develop and implement a statewide School-to-Work Opportunities system with funds obtained by combining—

(A) Federal funds under this Act; and

(B) other Federal funds made available from among programs under—

(i) the Carl D. Perkins Vocational and Applied Technology Act, section 201; and

(ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(b) USE OF FUNDS.—A State may use the State portion of the Federal funds combined under subsection (a) under the requirements of this Act, except that the provisions relating to the matters specified in section 502(c), and section 503(c), that relate to the program through which the funds described in subsection (a)(2)(B) were made available, shall remain in effect with respect to the use of such funds.

(c) ADDITIONAL INFORMATION IN APPLICATION.—A State seeking to combine funds under subsection (a) shall include in the application of the State under title II—

(1) a description of the funds the State proposes to combine under the requirements of this Act;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in school-to-work activities;

(4) evidence of support for the waiver request by the State agencies or officials with jurisdiction over the funds that would be combined;

(5) a State's authority to combine funds under this section shall not exceed 5 years, except that the Secretaries may extend such period if the Secretaries determine that such authority would further the purposes of this Act; and

(6) such other information as the Secretaries may require.

#### SEC. 506. REQUIREMENTS.

The following requirements shall apply to School-to-Work Opportunities programs under this Act:

(1) No student participating in such a program shall displace any currently employed worker (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) No School-to-Work Opportunities program shall impair existing contracts for services or collective bargaining agreements, and no program under this Act that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) No student shall be employed or fill a position—

(A) when any other individual is on temporary layoff from the participating employer, with the clear possibility of recall, from the same or any substantially equivalent job; or

(B) when the employer has terminated the employment of any regular employee or otherwise reduced the work force of the employer with the intention of filling the vacancy so created with a student.

(4) Students participating in such programs shall be provided with adequate and safe equipment and safe and healthful workplaces in conformity with all health and safety standards of Federal, State, and local law.

(5) Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability.

(6) Funds appropriated under authority of this Act shall not be expended for wages of students participating in such programs.

(7) The Secretaries shall establish such other requirements as the Secretaries may determine to be appropriate, in order to ensure that participants in such programs are afforded adequate supervision by skilled adult workers, or to otherwise further the purposes of this Act.

#### SEC. 507. SANCTIONS.

(a) IN GENERAL.—The Secretaries may terminate or suspend financial assistance, in whole or in part, to a recipient or refuse to extend a grant for a recipient, if the Secretaries determine that the recipient has failed to meet the requirements of this Act, including requirements under section 402(c), or any regulations under this Act, or any approved plan submitted pursuant to this Act. The Secretaries shall provide to the recipient prompt notice of such termination, suspension, or refusal to extend a grant and the opportunity for a hearing within 30 days after such notice.

(b) NONDELEGATION.—The Secretaries shall not delegate any of the functions or authority specified in this section, other than to an officer whose appointment is required to be made by and with the advice and consent of the Senate.

#### SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretaries \$300,000,000 for fiscal year 1995, and \$400,000,000 for fiscal year 1996; \$400,000,000 for fiscal year 1997; \$330,000,000 for fiscal year 1998; and \$220,000,000 for fiscal year 1999.

##### (b) HIGH POVERTY AREAS AND CONGRESSIONAL DISTRICTS WITH LOW POPULATION DENSITIES.—

Of the amounts appropriated under subsection (a) for a fiscal year, the Secretaries may reserve not more than 10 percent of such amounts for the fiscal year to carry out section 303, which reserved funds may be used in conjunction with funds available under the Youth Fair Chance Program set forth in part H of title IV of the Job Training Partnership Act (29 U.S.C. 1782 et seq.).

(c) NATIONAL PROGRAMS.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretaries may reserve not more than 10 percent of such amounts for the fiscal year to carry out title IV.

##### (d) TERRITORIES.—

(1) IN GENERAL.—Of the amounts appropriated for a fiscal year under subsection (a), the Secretaries may reserve up to 1/4 of 1 percent to make Federal implementation grants to territories under section 212 on the same basis as the Secretaries make grants to States under such section. The territories shall use funds made available through such grants to implement School-to-Work Opportunities programs in accordance with the requirements applicable to States under subtitle B of title II.

(2) DEFINITION.—As used in this subsection, the term "territory" means the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Federated States of Micronesia, and the Republic of the Marshall Islands, and includes the Republic of Palau (until the Compact of Free Association is ratified).

##### (e) NATIVE AMERICAN PROGRAMS.—

(1) RESERVATION.—The Secretaries may reserve up to 1/4 of 1 percent of the funds appro-

priated for any fiscal year under subsection (a) to make Federal implementation grants to appropriate entities under section 212 on the same basis as the Secretaries make grants to States under such section. The territories shall use funds made available through such grants to implement School-to-Work Opportunities programs, for students who are Indians (as defined in section 1(I) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(1)), that involve Bureau funded schools, as defined in section 1139(3) of the Education Amendments of 1978 (25 U.S.C. 2019(3)), in accordance with the requirements applicable to States under subtitle B of title II.

(2) IMPLEMENTATION.—The Secretaries may carry out this subsection through such means as the Secretaries determine to be appropriate, including—

(A) the transfer of funds to the Secretary of the Interior; and

(B) the provision of financial assistance to tribes and Indian organizations, as defined in paragraphs (13) and (7), respectively, of section 1139 of such Act.

(f) AVAILABILITY OF FUNDS.—Funds obligated for any fiscal year for programs authorized under this Act shall remain available until expended.

#### SEC. 509. ACCEPTANCE OF GIFTS, AND OTHER MATTERS.

The Secretaries are authorized, in carrying out this Act, to accept, purchase, or lease in the name of the Department of Labor or the Department of Education, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

#### SEC. 510. STATE AUTHORITY.

Nothing in this Act shall be construed to supersede the legal authority, under State law or other applicable law, of any State agency or State public official over programs that are under the jurisdiction of the agency or official.

#### SEC. 511. CONSTRUCTION.

Nothing in this Act shall be construed to establish a right for any person to bring an action to obtain services under this Act.

#### SEC. 512. ADDITIONAL FEDERAL REQUIREMENTS.

(a) PURPOSE.—The purpose of this section is to ensure that the funds provided under this Act cannot be utilized by the Federal Government to contribute to an unfunded Federal mandate.

(b) REQUIREMENTS.—Subject to subsection (c) and notwithstanding any other provision of Federal law, no provision of Federal law shall require a State, in order to receive funds under this Act, to comply with any Federal requirement, other than a requirement of this Act as in effect on the effective date of this Act.

(c) RULE OF CONSTRUCTION.—Any provision of Federal statutory or regulatory law, in effect on or after the effective date of this Act, shall be subject to subsection (b) unless such law explicitly excludes the application of subsection (b) by reference to this section.

#### SEC. 513. SENSE OF THE SENATE.

It is the sense of the Senate that the Congress should fund programs under this Act, for fiscal years 1996 through 2002, predominately from the savings resulting from efforts of the Department of Labor, the Department of Education, and other Federal agencies, to eliminate, consolidate, or streamline, duplicative or ineffective education or job training programs in existence on the date of enactment of this Act.

#### TITLE VI—OTHER PROGRAMS

#### SEC. 601. TECH-PREP EDUCATION.

(a) CONTENTS OF PROGRAM.—Paragraph (2) of section 344(b) of the Tech-Prep Education Act

(20 U.S.C. 2394b(b)(2)) is amended by inserting "or 4 years" before "of secondary school".

(b) SPECIAL CONSIDERATION; PRIORITY.—Section 345 of the Tech-Prep Education Act (20 U.S.C. 2394c) is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) are developed in consultation with institutions of higher education that award baccalaureate degrees;"

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following new subsection:

"(e) PRIORITY.—The Secretary or the State board, as appropriate, shall give highest priority to applications that provide for effective employment placement activities or transfer of students to 4-year baccalaureate degree programs."

#### TITLE VII—TECHNICAL PROVISIONS

##### SEC. 701. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

##### SEC. 702. SUNSET.

The authority provided by this Act shall terminate on October 1 of the ninth calendar year after the date of enactment of this Act.

#### TITLE VIII—ALASKA NATIVE ART AND CULTURE

##### SEC. 801. SHORT TITLE.

This title may be cited as "Alaska Native Culture and Arts Development Act".

##### SEC. 802. ALASKA NATIVE ART AND CULTURE.

Section 1521 of the Higher Education Amendments of 1986 (20 U.S.C. 4441) is amended to read as follows:

#### "PART B—NATIVE HAWAIIANS AND ALASKA NATIVES

##### "SEC. 1521. PROGRAM FOR NATIVE HAWAIIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

"(1) primarily serves and represents Native Hawaiians or Alaska Natives, and

"(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

"(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,

"(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or

"(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.

#### "(c) MANAGEMENT OF GRANTS.—

"(1) Any organization or institution which is the recipient of a grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

"(2) For any grants made with respect to Native Hawaiian art and culture, the members of

the governing board which is required to be established under paragraph (1) shall—

"(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,

"(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,

"(C) include the president of the University of Hawaii,

"(D) include the president of the Bishop Museum, and

"(E) serve for a fixed term of office.

"(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,

"(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

"(C) serve for a fixed term."

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House thereon, and the Chair is authorized to appoint conferees on the part of the Senate.

The Presiding Officer appointed Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBERGER conferees on the part of the Senate.

Mrs. KASSEBAUM. Mr. President, I am pleased we have been able to reach agreement on a number of amendments on this bill, including both of the amendments I offered yesterday.

We have agreed to a 5-year authorization, and Senator NICKLES has been very helpful in limiting the amount of funds authorized. I am also pleased that we have worked out language so that my amendment to consolidate programs has been accepted.

Despite these improvements, Mr. President, I voted against the bill. As I said yesterday, we already have 154 job training programs, and we don't need 155.

I believe this bill is another example of what is wrong with our job training efforts. Each time Congress identifies a specific group in need of training—in this case high school students—it creates a new program, with new requirements and, of course, new funds.

Mr. President, this bill is loaded with various kinds of grants—State development grants, State implementation grants, Federal implementation grants, and high-poverty area grants. I fear the job opportunities created will not be for students but for grant writers and auditors.

Creating new programs because we are disappointed with the effectiveness

of the old ones is a time-honored tradition in Congress. Yielding again to this temptation is not the answer.

Instead of establishing a new categorical program, we need to reform the patchwork job training system we now have. Our primary goal should be to overhaul the current system, not simply add another job training program to the 154 we already have.

I would also like to thank the Senators on this side of the aisle who worked to make improvements on this bill, particularly Senators THURMOND and Senator GREGG. I also appreciated the efforts of Senator GORTON, Senator NICKLES, and Senator PRESSLER.

I would also like to thank staff on this side of the aisle: Todd Atwater with Senator THURMOND, Alyssa Hamilton with Senator GREGG, Linda Benning with Senator PRESSLER, Stan Bowman with Senator GORTON, Diane Moery with Senator NICKLES, and Ted Verheggen, Carla Widener, and Dan Bolen.

#### GOALS 2000: EDUCATE AMERICA ACT

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes.)

Mr. KENNEDY. Mr. President, I ask that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1404, AS MODIFIED

Mr. KENNEDY. Mr. President, I ask unanimous consent that the previously adopted Burns amendment No. 1404 be modified with a technical correction that I now send to the desk and that the amendment, as modified, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1404), as modified, is as follows:

On page 115, line 17, strike "and".

On page 115, line 20, strike the period and insert "; and".

On page 115, between line 20 and 21, insert the following:

(3) to mandate any curriculum framework, instructional material, examination, assessment, or system of assessments for private, religious, or home schools.

Mr. KENNEDY. I ask unanimous consent that the RECORD note my cospon-



sonship of the Bond and the Glenn amendments adopted Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, on the last bill just passed, I thank Bryan Kennedy and Luis Castro of my staff; Sarah Fox from Senator KENNEDY's staff; Ted Verheggen and Carla Widener of Senator KASSEBAUM's staff; Marty Rogers from Senator WOFFORD's staff; Dean Rosen from Senator DURENBERGER's staff; Mark Landaver from Senator HATFIELD's, and Reginald Jones from Senator JEFFORDS' staff.

Mr. MITCHELL. Mr. President, I commend the distinguished manager of the bill, chairman of the committee, Senator KENNEDY, and the ranking member on this bill, Senator JEFFORDS, for their outstanding effort in moving this important bill to passage by the Senate. It had been my hope that we could complete action on the other education bill, the Goals 2000 bill, which we had previously begun work on, and bring both of those bills to passage this morning. That has proven not to be possible, as there is one remaining issue to be resolved with respect to the Goals 2000 bill, and we have not been able to reach an agreement among the parties on how best to resolve that. So it is my belief that it will take the next couple of hours to do that.

Therefore, I will momentarily have the Senate go into recess. We ordinarily would have gone into recess at 12:30 until after the caucuses.

Before Senator SIMON leaves the floor, I thank him as well for his outstanding work on the school-to-work bill as a member of the committee. He is one of the principal authors of the bill, and his work made it possible for us to pass this important bill.

Mr. President, it is still my hope that we will be able to reach an agreement and have final passage on the Goals 2000 bill early this afternoon. So further rollcall votes are expected on that legislation.

I want to thank Senator WOFFORD, of Pennsylvania, who, with Senators SIMON, KENNEDY, JEFFORDS, and others, joined in moving this important legislation forward.

#### RECESS

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate stand in recess until 2:30 p.m.

There being no objection, the Senate, at 12:17 p.m., recessed until 2:30 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. DORGAN).

#### GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

#### AMENDMENT NO. 1394

The PRESIDING OFFICER. The pending business in the Senate is the

Levin amendment No. 1394 to the bill S. 1150.

Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. President, my amendment seeks to assure school boards that if they seek in good faith to adopt constitutional policies relative to prayer in school that they are not going to find their Federal funds cut off.

Last week the Senate adopted an amendment of Senator HELMS which threatens to cut off Federal education funds to local school districts if they make a mistake, even, presumably, in good faith, relative to the efforts of students seeking to pray in school. It put a club to heads of local school boards to protect the rights of only one group of students: the group wishing to have organized prayer in school.

There were a number of options following the adoption of the Helms amendment.

One was to offer an amendment threatening the same funds cutoff if local school boards violate the constitutional rights of persons who do not want to be faced with organized prayer in school, thereby putting another club to the heads of local school boards.

A second option was to try to remove some of the threat in the Helms amendment by assuring school boards that if they adopt a constitutional policy toward prayer, whether facilitating it or the opposite, their good faith decision would not lead to a funding cutoff.

My amendment follows the second route because the first approach is a slippery slope for local school boards which already face complex decisions relative to constitutional rights as relate to prayer in school. We should not make it more difficult for school boards to follow the Constitution by making them a target of either side of the prayer issue. We should not put them under the threat that Federal funds could be cut off if a good faith effort on the school boards' part turns out to be unconstitutional, according to some court.

The school prayer issue is one of the most emotional of all issues faced by school boards. School boards already spend large sums of money defending lawsuits from one side or the other. That is why my amendment is aimed at neutralizing some of the impact of the Helms amendment. That is why I decided not to put another club to the heads of local school boards by threatening them with the loss of Federal funds if they failed to protect the constitutional rights of those on the other side of the issue.

One final word on a procedural issue: My amendment was offered last week pursuant to the unanimous-consent

agreement which allowed for amendments offered before a time certain. I was not involved in setting the time. This amendment was offered in a timely manner. I had previously informed the leadership staff that I would be offering such an amendment. There was no restriction in the unanimous-consent agreement relative to this amendment nor did I know of any side agreement, if there was one.

Mr. BUMPERS. Mr. President, I would like to be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEVIN AMENDMENT CONSISTENT WITH HELMS-LOTT AMENDMENT

Mr. HELMS. Mr. President, this past Thursday there was a gentlemen's agreement with the Senator from Massachusetts [Mr. KENNEDY], which would reduce the debate time on this bill. I agreed to reduce to two the number of amendments I would offer—and the Senator from Massachusetts would be permitted to offer one opposing amendment for each of my two.

I offered an amendment on school prayer. Senator DANFORTH then offered an amendment on behalf of Senator KENNEDY on silent meditation. The Senate then approved my prayer amendment, 75-22, and, by a vote of 78 to 8, approved the Danforth amendment the following morning, on Friday. I then offered my second amendment forbidding the distribution of condoms to school children without parental consent. Senator KENNEDY and Senator JEFFORDS offered an opposing amendment.

Mr. President, pursuant to the unanimous consent agreed to by Senator KENNEDY and me, I assumed that good faith had prevailed. I then agreed to another unanimous consent request establishing a deadline for Senators to offer other first degree amendments to the bill at 4 p.m. on Friday, with votes on all amendments pending to be stacked on Tuesday.

However, without my knowledge or consent, the unanimous-consent agreement was changed to extend the deadline for amendments to 5 p.m. At a few minutes before the 5 p.m. deadline, the Senator from Michigan [Mr. LEVIN], offered another first degree amendment relating to the issue of prayer in the schools.

So once again, good faith efforts from this side of the aisle to save the Senate's time are met with bad faith from the manager on the other side of the aisle.

Mr. President, as to the Levin amendment itself, over the weekend I checked with some of the Nation's foremost legal scholars and litigators on the issue of school prayer and the first amendment. Specifically, I asked them to examine Senator LEVIN's amendment to see what effect, if any, the LEVIN proposal would have on my

school prayer amendment which the Senate passed by a vote of 75 to 22.

Mr. President, their unanimous conclusion was that the Levin amendment is consistent with, and indeed complements, the Helms-Lott amendment.

Obviously, the Levin amendment, is what is known around this place as a CMF amendment, a "cover my fanny" amendment. Senator LEVIN was 1 of the 22 Senators who voted against my school prayer amendment last Thursday—and he caught some heat about it. However, as the Levin amendment will not diminish the impact of the Helms-Lott amendment, I will not be upset if it is accepted on a voice vote. At least that would save the Senate some time.

Mr. President, I ask unanimous consent that a legal opinion on the implications of the Helms-Lott amendment and the Levin amendment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. This opinion was drafted by Mr. James Matthew Henderson, Sr., senior litigation counsel for the American Center for Law and Justice.

Mr. Henderson has been involved in many of the school prayer and religious rights cases that have come before the Supreme Court in prior years. Mr. Henderson has this to say about the effect of the Levin amendment on my school prayer amendment:

First, the Levin amendment is not a substitute for the Helms-Lott amendment. The two amendments are separately effective. The two amendments are capable of coordinated reading and effect. There is no inconsistency in a reading of the amendments which allows Levin to moderate Helms-Lott. Because they are not inconsistent, and because Levin does not purport to supplant Helms-Lott, both amendments are viable.

Second, the Levin amendment responds to the Helms-Lott amendment. In other words, the funding inquiry would begin with the Helms-Lott amendment question: does the agency have a policy or practice which interferes with instances of voluntary, student-initiated prayer? If so, Helms-Lott would mandate stripping funding from such education agencies. The Levin amendment, however, would provide those education agencies in jeopardy of funding losses with the opportunity to prove that the questioned policy on school prayer satisfies constitutional requirements.

Mr. President, the Levin amendment really should be withdrawn, but if it is not, I must serve notice that I have a number of second-degree amendments that I will offer to it.

#### EXHIBIT 1

#### A TALE OF TWO AMENDMENTS: COMPARISONS AND CONTRASTS BETWEEN THE HELMS-LOTT AND LEVIN AMENDMENTS

(By James Matthew Henderson, Sr.)

#### INTRODUCTION

The Senate has added one amendment to the education bill now pending before it, and has a second one pending before it. The first amendment, the Helms-Lott amendment, states:

"No funds made available through the Department of Education under this Act, or any other Act, shall be available to any state or local educational agency which has a policy of denying, or which effectively prevents participation in, constitutionally-protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally-protected prayer in such public schools."

On February 4, 1994, Senator Levin offered the second amendment, which is still pending. The Levin amendment states:

"Notwithstanding any other provision of this Act, no funds made available through the Department of Education under this Act, or any other Act, shall be denied because it has adopted a constitutional policy relative to prayer in public school."

Important questions must be answered in consideration of these back-to-back amendments. Most importantly, the question of whether the legal effect of the two amendments is essentially a nullity, if both survive conference committee, it needs to be resolved. Also, consideration should be given to their separate operation and enforceability, given the possibility that only one may survive conference.

As a prerequisite to this discussion, it must be understood that, in the public school setting, a student is generally free to express his views so long as such expression does not lead to disruption of the school or work a substantial interference with the rights of others. Further, it is clear that the Establishment Clause does not operate to restrict or private religious expression, including prayer. That clause concerns itself with the affairs of government, not of students. Thus, a guiding axiom is that students in public schools cannot violate the Clause by their private actions.

#### THE HELMS-LOTT AMENDMENT

There need be no doubt about the need for strong medicine to buttress the rights of students seeking to express faith in their God through voluntary, student-initiated prayer on public school campuses. The contact reports and files of the American Center for Law and Justice include many, many instances in which public school officials have prevented or interfered with student-initiated, voluntary prayer on campus. It is an unfortunate fact of life for many students that ignorance of the law seems to abound in the area of student-initiated, voluntary prayer.

Consider the case of Misty Newberry, a student at Massac County High School in Metropolis, Illinois. In September, 1992, Misty joined with a small group of friends for a short time of prayer before the beginning of the school day. They were observing "See You At The Pole," the National Day of Student Prayer, when hundreds of thousands of students around the Nation joined together to pray for their fellow students, their teachers and administrators and their communities.

When Misty Newberry and her friends were praying, however, her school's administrators were calling the police and the sheriff. Before the event could end voluntarily, Misty and another had been threatened with tear gas, if they would not cease their prayer activities. Ultimately, Misty was taken into custody and placed in the back of a sheriff's cruiser, then released after approximately fifteen minutes.

Had the Helms-Lott amendment been the law at the time of Misty's misfortune, there

is little doubt that Misty would have been able to pray for her principal, instead of being arrested at his direction.

The Helms-Lott amendment positively mandates a cut-off of any funds made available through the Department of Education for any "state or local educational agency" that, by policy or practice, "prevents participation in, constitutionally-protected prayer" under conditions where the prayer is student-initiated and voluntary. No implementing regulation seems necessary before the effect of the amendment would be felt. Nor does the language admit of a discretionary authority to deny funding. Rather, funding under the Goals legislation, and funding under any other act, which is provided through the Department of Education would be at jeopardy if a school district or state education department promulgated or enforced a policy of interfering with student-initiated voluntary prayer.

It is also important to note what the Helms-Lott amendment would not do. Under the Helms-Lott amendment, there would not be any possibility of coerced participation in religious activity. Nothing in the language admits of an interpretation under which students could be compelled to participate in prayer activities. Of course, the Supreme Court's decision in *Abington v. Schempp*, struck down such programs of compulsory religious observance in public schools. As if the fact of precedent were insufficient, the Helms-Lott amendment states quite specifically, "Neither the United States nor any state nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally-protected prayer in such public schools." Thus, student and teachers both are protected from unwanted and unwarranted compulsion to give assent to any particular religious observance.

#### THE LEVIN AMENDMENT

Following the adoption of the Helms-Lott amendment, the Senate took up the Levin amendment, a separately effective provision which prohibits the Department of Education from withholding any funds under any federal act in cases where the recipient of the funds has "adopted a constitutional policy" on school prayer.

Taken in isolation, the Levin amendment approaches constitutional insignificance. Its operative impact is extremely light. Because it appears chiefly to have been offered as a counterweight to the Helms-Lott amendment, it would only affect those situations where an educational agency was threatened with a cut-off of federal funds because of its policy or practice of preventing voluntary participation in student-initiated prayer. Careful review of the language of the Levin amendment demonstrates that it is not positive law.

In the absence of the Levin amendment, would the Department of Education be permitted to withhold funds from a school district solely on the basis of the district having a stated, and constitutional policy regarding school prayer? The obvious answer is, no. Such a denial would be irrational. The addition of the Levin language, then, adds nothing, because the Department of Education is not in the business of denying federal funding to otherwise eligible educational agencies.

#### TAKING THE AMENDMENTS IN TANDEM

Two key points should be noted about the situation in which both amendments service the conference process, and, ultimately, become law.



First, the Levin amendment is not a substitute for the Helms-Lott amendment. The two amendments are separately effective. The two amendments are capable of coordinated reading and effect. There is no inconsistency in a reading of the amendments which allows Levin to moderate Helms-Lott. Because they are not inconsistent, and because Levin does not purport to supplant Helms-Lott, both amendments are viable.

Second, the Levin amendment responds to the Helms-Lott amendment. In other words, the funding inquiry would begin with the Helms-Lott amendment question: does the agency have a policy or practice which interferes with instances of voluntary, student-initiated prayer. If so, Helms-Lott would mandate stripping funding from such education agencies. The Levin amendment, however, would provide those education agencies in jeopardy of funding losses with the opportunity to prove that the questioned policy on school prayer satisfies constitutional requirements.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1394) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I am pleased that the committee accepted an amendment that I have joined Senator PRYOR in introducing which would utilize the reservoir of skill and talent that exists among senior citizens in the school community. Our amendment would provide for State enhancement and expansion of intergenerational mentoring programs, including tutorial programs, in their public schools. The proposal would place trained, mature adults into the public school system, and match the needs of America's youth with the experience and skills of seniors. Specifically, our amendment would:

Encourage States to use intergenerational mentoring for State educational improvements;

Ask States, in developing State improvement plans, to describe strategies for utilizing programs such as intergenerational mentoring in helping students meet State standards; and

Authorize that funds to be used for State activities designed to implement the State improvement plan would include programs such as intergenerational mentoring.

Mr. President, this amendment builds upon legislation I previously authored, which was enacted into law in 1989 as a part of the National Volunteer Service Act, that creates a separate RSVP one-to-one senior tutorial program for K-12 students.

Programs that involve senior citizens in the education of our Nation's children are by no means new. Such projects have had great success in

schools throughout this country, including my own State of Michigan. There are currently a number of projects in Michigan that have achieved success in increasing the learning abilities of educationally disadvantaged students, and have provided rewarding experiences to our greatest human resource—our senior citizens. Programs exist from as far north as Escanaba in the Upper Peninsula, to the southern region of the State in Jackson County, and spanning from west to east covering Kent, Oakland, and Wayne Counties.

Mr. President, current projects that are scattered about varying public schools in the States, are not sufficient to meet the demands and the challenges in its entirety. It is estimated that even with presently established projects, millions of educationally disadvantaged children are in need of help in the basic skills of reading, writing, and math. This amendment will enable the States, that may voluntarily choose to do so, to bring in more projects as needed.

Mr. President, I am also pleased that the committee has decided to accept my amendment which adds to the list of initiatives that may be funded under State improvement plans. My amendment permits State educational agencies to use certain title III funds for: " \* \* \* supporting innovative and proven methods of enhancing a teacher's ability to identify student learning needs, and to motivating students to develop higher order thinking skills, discipline, and creative resolution methods, including significantly reducing class size and promoting instruction in chess."

Mr. President, studies on the effects of reduced class size show that students in small class routinely outperform those in regular and regular-with-aide classes in all types of schools. Small classes also enhance the teacher's ability to identify student learning needs, provide individual attention, develop positive relationships with students and families and teach more material more thoroughly.

Relative to the provision of my amendment on the instruction of chess, current studies speak to the success of such programs in the schools. A 4-year study of school chess players found that chess instills self-confidence and self-worth; dramatically improves the ability to think rationally; and results in higher grades, especially in English and math. I ask unanimous consent that the attached articles from the August 27, 1993, USA Today and the May 17, 1993, Washington Post regarding the success of chess in the schools be included for the RECORD at the end of the text of my statement.

Mr. President, in closing, I would like to commend my colleagues on the Labor Committee for their leadership and perseverance in getting us to this

point today. The legislation before us represents a great deal of bipartisan effort and consensus that we can, indeed, succeed in fundamental education reform if the connection between school and community is strengthened and the essential partnership with parents, teachers, and students is renewed.

Due in no small part to the distinguished leadership and special efforts of Senator KENNEDY, Senator PELL, Senator KASSEBAUM, Senator JEFFORDS, and others, the legislation provides the framework for meeting the national education goals, while maintaining critically important local flexibility—the ability for school districts and States to try things that work in their community and in their State.

Mr. President, one of the reasons why I joined as an original cosponsor of this legislation is the positive nature of the national education goals, which specify that by the year 2000:

First, all students would arrive at school ready to learn;

Second, that the graduation rate would increase to at least 90 percent;

Third, that students master challenging content in core subject areas;

Fourth, that our students would be first in the world in math and science;

Fifth, that all adults would be literate and prepared for life-long learning;

Sixth, that our schools would offer children a disciplined and drug-free environment; and

Seventh, that every school will promote partnerships that will increase parental involvement and participation in promoting the social, emotional, and academic growth of children.

Finally, Mr. President, I hope the enactment of this legislation will help make major improvement in American education and work force training.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, Aug. 27, 1993]

#### CHESS CENTER HELPS KIDS IN THE GAME OF LIFE

(By Tamara Henry)

WASHINGTON.—Fearing a wrong move, 11-year-old LaWanda Wellington slowly slides her black knight across the board while suspiciously eyeing her opponent's white bishop and queen.

"Go ahead and do it," coaches Andrew Agostinelli, an Eastern High School math teacher who helps out at the chess camp in downtown Washington. "You think you can't, but you can."

LaWanda plops the knight on a square. "Yeah. That's it! Isn't it?" reassures Agostinelli. She sighs. She smiles.

The camp is the first project of the U.S. Chess Center, which began last July when director David Mehler received the official go-ahead to operate the largest chess facility outside the former U.S.S.R. In a city that reeks of power and self-important bureaucrats, Mehler's goal is to share his love of chess with the powerless—inner-city children.

Traditionally, chess had not been an inner-city sport but mainly a game for men, the wealthy or intellectuals. Brought to America by Spanish explorers, chess players include Queen Isabella, who financed Christopher Columbus, and Benjamin Franklin.

Now, the movie *Searching for Bobby Fischer* has sparked even more interest in the game, especially among children. But unlike Fred Waitzkin's story of his son Josh's journey through the national chess championships, Mehler isn't looking for chess geniuses.

"I just enjoy doing this," says the 42-year-old former criminal defense lawyer.

"It's the most effective way to get these kids to have a different feeling about themselves," Mehler says. He's been teaching chess for more than 20 years and discovered the benefits of the game while teaching school and earning his law degree in Sacramento.

Studies show young chess players quickly learn self-discipline, the dangers of impulsive behavior, the value of concentration and how to succeed within the limits of the rules.

The U.S. Chess Federation says children make up almost 35,000 of its total paid membership of about 70,000—the highest membership ever in the group's history. Adults pay \$200 and student \$60. Almost 2,500 USCF-affiliated chess clubs are in schools. About 150,000 youngsters play in organized competition.

About 30 youngsters signed up for the two-week, three-hours-a-day camp. But a little over a dozen actually show up each day. The children are transported from blighted neighborhoods by a local community group to a neoclassical office building blocks away from the White House. The building's carpeted basement houses the Chess Center, the U.S. Chess Hall of Fame and Museum and gift shop.

Once downstairs, the youngsters rush to long tables lined with chess sets. Usually they wait for Mehler to discuss the day's new concept or to serve milk. Occasionally, there are field trips.

"Here's a little strategy," says Mehler in his mini-lecture. "I see folks move pawns in front of rooks. That's not as good as moving pawns in front of kings and queens."

He pauses. "The bolder you are, the more successful you'll be. Move pawns into the center of the board."

The children study their chess boards as he talks.

Meanwhile, Agostinelli and LaWanda continue their discussions. A few space down, Mark Smith, 17, helps Jared Estep, 14, improve his strategy. At another table sit two other Wellingtons, 6-year-old William and 7-year-old LaNette, LaWanda's cousin and sister.

"What I like about (the chess camp) is it helps them to get out of the drug environment, gets them off of the streets and helps them to use their brains and think," Smith says.

Smith started playing chess about five years ago and has seen remarkable improvements in his math, thinking and verbal skills: "Instead of writing on paper, I imagine. I calculate in my head."

The plan for the chess center began in 1989 when world champion Garry Kasparov came to the nation's capital to introduce the game as a way to battle drug abuse among children. He helped raise funds for a pilot program that summer.

Mehler's goal is to teach chess to youngsters at the center and in every school in the metropolitan area. He targets minorities, girls and women.

Besides the camp, there are after-school lessons for students in grades four through 12, a Saturday morning program for kindergarten through third-graders, weekend and other special activities for teenagers. Evenings are reserved for adult tournaments, seminars taught by masters, casual games and adult lessons.

"Many of these kids came with the attitude they would never be able to play chess," says Mehler, who remembers LaNette crying when she first tried to properly move a pawn.

"But, of course, she did learn to play chess," Mehler says. "If we can get these kids out of the habit of thinking they can't learn things and instead in the habit of knowing that they can, then there are no limits."

[From the Washington Post, May 17, 1993]

#### MANEUVERING TO WIN YOUNG MINDS: P.G. SCHOOL CHESS CLUB TEACHES BOYS SELF-DISCIPLINE, SELF-ESTEEM

(By Lisa Leff)

Classes have ended for the afternoon at Morningside Elementary School, but in the library two dozen young boys are sitting in silence, smooth chins cupped in hands and wiry shoulders hunched over wooden tables. They are the Master Knights, and twice weekly at 2:15 p.m., this library becomes their clubhouse.

"You know what happens at the tournament if you make too much noise, don't you?" coach Beulah McMeans tells the members of Morningside's boys-only chess team as they ponder their next moves. "You'll get disqualified, won't you?"

To the Master Knights, patience, self-discipline and playing by the rules are part of the game. Now in its second year, the 29-member scholastic chess club was formed to engage the minds of black males from kindergarten to sixth-graders. Like a variety of other programs at the 175 public schools in Prince George's County, the Morningside club is designed to nurture black youths and help them to thrive.

But Morningside, in western Prince George's County near the District line, is the only county school using chess as a vehicle for student success. McMeans, a guidance counselor who made a habit of pulling out a worn chess set when children were referred to her because of behavior problems, sees a simply beauty in it.

The centuries-old board game, correctly or not, generally is thought of as the pastime of "brains," which is just what McMeans wants her players to feel free to be. And the boys seem to get a kick out of "doing something no one else they knew was really doing," she said.

"One of the first rules of chess is after the game, you shake your opponent's hand, win, lose or draw. Second, you learn from your mistakes," McMeans said. "We want that to go right back into the classroom and the community."

A sense of high purpose infuses the team's Tuesday and Thursday meetings. Although uniforms are optional for students at Morningside, Knights must wear blue pants and white shirts and spend their recesses at practice. Team members usually are required to put in an hour of homework before they may pick up their vinyl, tournament-style chess boards after school.

McMeans demands that her players approach chess with the dedication of athletes. They keep thick playbooks filled with rules and the strategies of Bobby Fischer, the only American ever to be world chess champion.

She does not let them have sodas and snacks while they practice. "If you really want to play chess, you don't care about cookies or candy," she tells them.

In the era of fast-paced video games and Rollerblades, it might be hard to understand why a group of boys would stay after school to play chess, a game that can be time-consuming and plodding. But the Knights say they appreciate the game's emphasis on tactics, rather than luck. What's more, size matters little in chess; just last Thursday, Richard English, 8, a third-grader, beat Joseph Walker, 10, a fifth-grader, who accepted the defeat with a gentlemanly grin.

"It's like a thinking game," said Deshaun Wells, 11, who is in sixth grade and taught himself chess using a computer program. "When we play, it's like we are seeing who is the smartest or something."

Gregory Bridges, 12, is president of the Master Knights, a position for which he was selected because of his devotion to the club and his skill as a player. His father, Elvin Bridges, one of several parents who sometimes drop by the school for a quick game or two, taught Gregory how to play six years ago. Now, the sixth-grader is teaching his younger brother, DeShawn Brown, 5, after school with the Master Knights.

Chess, Gregory has decided, "keeps everybody down to earth."

"When you see someone who is big and bad on the streets, you hardly see anyone who plays chess. That is how chess influences you," he said. "You have to have patience and a cool head, and that patience carries outside the chess club."

Last month, with financial help from the school system and a local property management firm, the Knights took a four-day road trip to Charlotte, N.C., to participate in the National Scholastic Chess Championships. They were the first public school team from Prince George's to compete in a tournament and one of a few all-black teams among those representing 300 elementary schools.

Much of what they saw made an impression—teams that had chess masters as coaches, teams with their own jackets. One team even rented a \$500 hotel suite so it could practice in private. The Knights, most of whom were in championship competition for the first time, suffered a bad case of jitters. Gregory was the only player to win his first game.

But although they did not bring home any trophies, they gave a respectable performance, winning 37 of their 105 games and finishing ahead of several teams with more experience. "It was better than coming in last or not coming anywhere at all," Gregory said.

Amy Schapp, a fifth-grade teacher at Morningside, said the Master Knights have made her a believer in the power of chess. Last September, one of the boys in her class was in danger of getting D's and E's and seemed totally disconnected from school. At McMeans's suggestion, he became a Knight. Last marking period, he made the honor roll.

"The chess club is a very positive thing. It gives them something to strive for. They belong to the Master Knights, and I think that is a good feeling for them," Schapp said.

McMeans and her husband taught themselves how to play chess more than 20 years ago while living as an Air Force family in Athens. On club days, she wears an ivory knight on a gold chain around her neck, a gift from her husband. She plans to get the team members T-shirts with the logo "Leaders of Tomorrow," because in chess, moves by knights are L-shaped.



Still, she'll confess there is nothing mystical or sacred about the game. Chess makes the Master Knights smarter because they believe it can. Their team slogan is, "We think, therefore we are."

"Whatever works. If this works for them, we'll play chess," McMeans said. "If this fails, we will find something else."

Mr. LEVIN. Am I correct in my understanding that the wording in the legislation pertaining to the subjects of history, geography, civics, and government would not impede States and local school districts who define those subjects as social studies from continuing that practice and benefiting from the legislation?

Mr. KENNEDY. That is correct. The intent of this legislation is not to exclude States and local school districts that use the subject heading social studies rather than history, geography, civics, and government.

Mr. CAMPBELL. Mr. President, I would like to take this opportunity to express my strong support for Goals 2000.

This country has a justifiable reason to be proud. It is the first modern nation to guarantee all its citizens access to an education. When we look at the progress of our schools, however, we discover what our young people have not learned as opposed to what they have learned. All too often the high school diploma is a certificate of attendance instead of a certificate of knowledge. There is an uneven playing field in education. Expectations of students differ not only between socioeconomic classes, but from State to State, and for college-bound students and the forgotten student group that goes to the work force immediately after high school.

We need a national framework to funnel our efforts and to reach the 35 percent of our kids who are not ready to participate successfully in school.

In response to our current predicament, a bipartisan group including our Nation's Governors and the President developed the six national education goals to be achieved by the year 2000. These goals, along with a newly added seventh goal calling for more parental participation, have provided a framework for Goals 2000. I have been a supporter of this legislation from the beginning.

Goals 2000 will create a partnership between the educational system and local communities by providing a set of voluntary world-class standards. Standards are the linchpin that bring about educational reform, designed to fit the special needs of our communities.

Opponents of Goals 2000 claim this bill is bad for local community control of school because they think it establishes Federal education mandates. As we all know, this just isn't so. This bill creates no mandates, no outcome-based education, no refusals to fund other education programs down the road. It's voluntary, inclusive, and bottom-up.

Let me quickly go through the goals to reiterate what we are talking about here.

Goal 1, all children in America will start school ready to learn.

Goal 2, high school graduation rate will be 90 percent. In my own State of Colorado, we are ranked 26th in the Nation with a 74.5 percent graduation rate. This bill will help us help more kids earn their diploma.

Goal 3, students will leave grades 4, 8, and 12 having demonstrated competency in core subjects. In 1990, only 22 percent of Colorado's fourth graders scored at the proficient or advanced level in reading.

Goal 4, U.S. students will be first in the world in science and math achievement. In Taiwan, 41 percent of eighth graders have advanced scores in math; in Switzerland, 33 percent score at this level. Only 26 percent of Colorado eighth graders earn advanced scores.

Goal 5, every adult American will be literate.

Goal 6, every school in the United States will be free of drugs and violence. Nearly 3 million crimes occur on or near schools every year. We must make our schools a safe environment if we intend to create a learning environment.

Goal 7, the newest goal; every school will promote partnerships that will increase parental involvement and participation. Because we all know it's parents that must raise children, not schools, and not the government.

Last month, I had the honor of hosting Secretary Riley on a tour of Denver's West High School. We were able to see students who are learning at world-class levels, even in a tough part of Denver. I had the pleasure of meeting Mr. Ed Cordova, the principal at this school. With tenacity and determination, he is reaching these kids, even with many of them in local gangs. He has found a way to help these kids aim for high standards as young adults.

You see, the problem isn't so much what to do and how to improve schools. The difficulty is taking what we have learned and putting those ideas into action. We have already learned that reform is best when it is voluntary, inclusive, and bottom-up. When we involve parents, teachers, and the entire community in the process of putting children first like West High School is attempting to do. Goals 2000 allows the States and local school boards to continue in their efforts and encourages them to excel.

What's important to stress here is this: I think most of us agree each State in this country needs to be working in its own unique context toward the common goal educating America's children. I know I trust the people of Colorado to make the right choices for our children at the local level. If people are concerned about Goals 2000, they should be involved with their local

community and their decisions about local schools.

The year 2000 is only 6 years away. We have a long way to go to have our children learning at world-class standards. Passing Goals 2000 is the next step forward.

I urge my colleagues in the Senate to give the decisionmaking powers to our local communities and vote in support of the Goals 2000: Educate America Act.

Mr. DANFORTH. Mr. President, as an original cosponsor of the Parents as Teachers Act, I rise to offer my support for Senator BOND's amendment to include the Parents as Teachers Program as part of Goals 2000. As Governor of Missouri, my colleague developed this fine program in our State, and it works. He should be commended for his continued efforts in promoting this concept.

Parents as Teachers began statewide in 1985 with 13,000 families. The program has experienced steady increases in participation with 119,000 families participating last year and a waiting list of 3,000 families. The success of Parents as Teachers is evidenced by its limited replication in 42 other States.

The strength of the program is that it is community and family based and it assists parents in being actively engaged in the early childhood development and health of their children from birth until the ages of 3 to 4. The premise underlying the program is that parents are a child's first and most important teachers, and the role of the State is to assist the parents in providing the best educational foundation possible. Parents as Teachers represents a wise investment. Remedial education and dealing with the problems of dropouts in high school are very expensive. Helping children be ready for school in the first place is much more cost effective and supporting parents in doing this makes sense.

In recognition that income and education levels do not necessarily determine how much a parent knows about child development, Parents as Teachers is a voluntary program for all parents. Even our most affluent school districts have children who are struggling. Parents as Teachers assists parents in making rational choices for their own family. The professional parent educators do not do things for families, but rather provide them with information and support to feel confident in making good decisions for themselves. There are specific things parents learn through Parents as Teachers about how to lay a solid foundation for school success. All parents deserve support in giving their children the best possible start in life.

In keeping with the objectives of Goals 2000, the Parents as Teachers model is flexible to meet the needs of the community, incorporates community participation, and fosters inter-

agency collaboration. I believe this amendment complements and strengthens the seventh goal added to Goals 2000 with regard to parental participation in the education of their children and recognizes the significant role of parents' involvement. My colleague, Senator BOND, should be commended for his continuing efforts to improve the education of our young children.

Mr. DOMENICI. Mr. President, I am pleased the Senate has turned its attention to this matter. Education is an issue that I think all of us will agree is a vital one for the future of our country, and it is appropriate that with the new year we rededicate ourselves to this topic.

During the past week, Members have worked very hard to get a good bill. While there are some portions of this bill that I disagree with—and which I believe can be, and should be, improved—there are also a number of provisions I endorse. I have been willing to listen hard to both sides and do what needs to be done to craft a good bill, and I appreciate the willingness of my colleagues to do the same.

So let me begin by being very blunt about what we are doing here. I favor reforms to the educational system that will make a significant difference in the delivery of educational services to our students. Period.

I do not want to create just another expensive block grant program which does nothing more than perpetuate the status quo. While I will be one of the first to admit that our system is meeting the needs of students who are performing well, I also believe that we can and should continue to do better.

I do not favor reforms that wrestle control of education away from State and local governments and place it in the hands of the Federal Government. Nor do I want a bill that places a government monitor at every stage of a student's development.

During the past week or so, I have received more phone calls and letters than I can count from parents, teachers, and administrators who have expressed a serious concern that this bill will mean Federal interference in a vital part of their lives and the lives of their children.

I absolutely agree with them that we don't need a government that is constantly looking over the shoulders of teachers and parents. Folks are already intimidated enough by the threat of a big government. I want to give our educators the opportunities they need to do their jobs right, which means doing their jobs effectively, creatively, and efficiently. We cannot assume, even with all our good intentions, that we know better than our teachers, principals, local school boards, and parents about what works in local schools. There is too much evidence to the contrary.

During consideration of the education reform bill in the 102d Congress,

the final version of the bill made no meaningful reforms and simply established a large block grant program with a tangle of Federal strings attached.

I believe control of education should remain firmly in the hands of the States, their local governments, and individual communities, each of which has its own unique needs. As I have done before, I will oppose any legislation that tips this balance in favor of the Federal Government.

However, I am pleased to note that numerous provisions of the Goals 2000 bill reflect—at least in ideology—many of the proposals that Senator NUNN and I have recommended in the first report issued by our Strengthening of America Commission.

Senator NUNN and I serve as cochairmen of this Commission, which was formed with the cooperation of the Center for Strategic and International Studies [CSIS]. Our object is to help build a stronger America through changes in tax policy, investing in human resources, and breaking gridlock in Washington.

For example, in our report, we essentially agree with the proponents of Goals 2000 that the time has come to consider developing academic standards. Our CSIS report encourages the Nation to develop educational content and student performance standards in core subjects, very similar to the core subjects listed among the Nation's education goals.

We have recommended that these standards draw upon work being done by the States, subject matter specialists, and other professional organizations, as well as comparing with those standards set by our competitors.

To this end, we have recommended that the Congress establish an entity to coordinate and ensure the quality of this effort and monitor its results. Ideally, this is the role that will be filled by the National Education Standards and Improvement Council [NESIC] in the Goals 2000 legislation.

While we need national standards, local educators must be given flexibility in attaining them. Resources, authority, and responsibility must be returned to the classroom. With this concern in mind, I think we need to be very careful about how we go about implementing many of these reforms, as well as how much authority we invest in NESIC.

This bill places a great deal of weight on setting national and State content and student performance standards. The content standards are to be broad descriptions of knowledge and skills to be acquired in a particular subject area, while student performance standards are the more concrete and explicit definitions of what students should know and be able to achieve.

Setting national standards has always been tricky. We've had a difficult

time addressing the issue because no one has ever been quite sure how we go about measuring success in attaining these standards. However, if we are going to strive for excellence in the classroom, I think most would agree that we do need to give our educators some idea of what we consider that standard of excellence to be.

The real challenge will be to ensure that content standards are sufficiently broad enough—and voluntary enough—to leave schools the flexibility and creativity to strive for these standards in an infinite number of ways.

In basketball, for example, we know that the standard of excellence is to get the ball through the hoop. But what kind of offense each team wants to run to reach that goal is left to each team to determine. Our standards must be very carefully set so as not to say, "You may only shoot layups. You may not shoot three-pointers."

This same philosophy should apply to national content and performance standards. I know Senator KASSEBAUM shares this concern and has worked very hard to ensure that this bill does not become overly prescriptive.

I was pleased to read that the committee noted in the bill's report that setting and adopting standards are in and of themselves not enough—that we will also need well-trained teachers and other resources. I also believe we should make it clear that any national standards are not expected to be the ceiling on what our students should know. Our teachers and students should not only strive to meet these standards, but to exceed them.

On the similar topic of education standards, our CSIS report also states that the current mesh of standardized tests does not reflect true academic effort and achievement of our students. As I mentioned earlier, one of the primary concerns about national standards has focused around how we measure student success in meeting those standards.

In the CSIS report, we recommended that high-quality educational content and student performance standards be supported by high-quality student assessments. We believe educators need to move away from the typical multiple-choice format—turn the crank and get the answer—and toward a new type of assessment process.

Again, we recognize that this will be difficult. I hope NESIC will work closely with States to explore new methods of student assessment. It really is an area where much still needs to be done.

I am somewhat less enchanted, however, with opportunity-to-learn [OTL] standards. I believe the rationale behind such standards is certainly well-intentioned—that it may not be fair to ask students to strive for national standards when they were never, for any number of reasons, given a fair opportunity to learn such standards.



However, I do not believe we significantly improve education by imposing mandates on what those in industry might call the beginning of the pipeline.

Instead, we must focus our efforts on providing schools with support and flexibility which will help them meet high standards, rather than dictating to them what resources must be utilized.

For instance, while we may have a good idea what conditions are generally favorable for learning—which types of instruction, for example, what kinds of resources, and how much money—we also know that these factors do not hold true in every situation.

For example, I once brought to the attention of my colleagues the accomplishments of five students in El Paso, TX, who, despite what many would have considered tremendous odds, were bound for the Massachusetts Institute of Technology. Five students from one public school was believed to be the largest class from any one public school to attend MIT.

Yet, looking at the demographics of this school, one would hardly have expected five students with such high academic achievement. A majority of students lived below the poverty line, and a great deal did not speak English upon entering the school their freshman year. Still, through perseverance, hard work, dedicated teachers, and very little Federal interference, this school produced these, and other, outstanding students.

Might this school have done some things differently with OTL standards? You bet. Might the school have produced more quality students? It's hard to say. But my point is, what teachers in El Paso or Albuquerque find works for their students may not necessarily work equally as well for students in Amarillo or Santa Fe. The diversity of our system is what makes it so great.

Therefore, Federal, State, and local governments should ensure that their poor schools have the requisite resources to prepare their students to meet rigorous standards. Frankly, we can do this any number of ways—our CSIS Commission, for example, recommends reforms in the Chapter I Program, and you can be certain that Senator NUNN and I will revisit this issue during the debate on the Elementary and Secondary Education Act—and I believe schools should take the opportunity to address the issue as they see fit. But I certainly don't think we should mandate this standard.

I caution my colleagues that experience has traditionally shown that what begins as voluntary often does not stay that way for long. However, I am satisfied that the language we currently have before adequately protects the rights of State and local education agencies to address this issue voluntarily and to fit each specific situation.

I know Senators KASSEBAUM and JEFFORDS also have the same serious concerns about opportunity-to-learn standards, and I believe it is through their efforts that the OTL language in the bill has been shifted from prescriptive to descriptive. If I thought this bill mandated any of these standards, I would oppose it.

I have also heard a great deal of concern from folks that this bill will force States to implement what people are calling outcome based education [OBE]. As I understand it, the intent of OBE is to focus on academic results and provide greater flexibility to localities. This in itself is good.

However, I understand and appreciate the concerns I am hearing from New Mexicans who fear that outcome-based education will move away from the basics of education and into matters that are best left to the discretion of parents.

As I understand it, this legislation in no way mandates or endorses one system of reform over another. There may be many who oppose outcome-based education, but whether a school wants to use assistance under this legislation to implement OBE as a means of reform, that is entirely their business.

I am also encouraged by the emphasis this legislation places on the importance of job skills standards. This is also an issue stressed in our CSIS report, though in a slightly broader scope than allowed by the parameters of this bill.

Our report points out that the United States has only minimal standards to measure skill competencies. For example, most occupational training certifies only program completion or graduation, which are not necessarily recognized by employers or transferable from job to job and State to State.

The Skills Standards Board authorized under this legislation is charged with endorsing voluntary skill standards systems developed with voluntary partnerships. These skill standards, among other criteria, must allow for regular updating as information becomes available, must be developed after taking into account relevant standards in other countries, and, perhaps most important, they must be portable credentials to facilitate mobility within that skill or among industries.

In the CSIS report, we have stressed the importance of businesses, trade association, educators, and labor working together to develop a system of technical and professional standards for occupational training.

We believe that the technical and professional certificates recognized by employers and postsecondary institutions should be available for the entire range of services and industries and should include rigorous qualifications and standards. If enacted, I urge the National Skills Standards Board to

consider the recommendations made in our report.

Finally, I want to thank the members of the committee for their willingness to accommodate me on several amendments I proposed to the bill we currently have before us. For the benefit of my colleagues, I want to review very briefly how my amendments change this bill for the better.

My first amendment lays some ground rules for how the National Goals Panel would conduct its business. Frankly, if we are going to invest as much authority in the Goals Panel to make important decisions as this bill provides, then I think we need to define exactly how the members of the panel make those decisions.

My amendment is very simple: It states that in making final decisions, the Goals Panel shall operate on the principle of consensus. In the event that a vote is required to reach a final decision, a three-quarters vote by members present and voting is required. I think these are reasonable parameters to set for the panel, especially with the importance of its role.

My second amendment refers to the national report card that this legislation asks the Goals Panel to submit annually to the President. In the bill before us, we allow the Secretary to waive statutory requirements in six specific areas—such as chapter 1 and Eisenhower Math and Science, for example—if States believe that regulations within these statutes are impeding their ability to implement education reform.

This is an idea I support, as I hear often from educators who tell me they feel they are being strangled by regulatory redtape and are thus not able to perform their jobs to the fullest of their abilities. Frankly, I think we should allow States to waive other regulations that may be hindering their efforts, not just the six provided in the bill.

However, rather than adding to the bill other statutes and regulations that may be waived, I am simply asking that the Goals Panel, as part of the report card, revisit this issue each year, and identify actions that it believes should be taken to overcome statutory or regulatory impediments to education reform. I have worked with Senator JEFFORDS on a slight modification of this amendment, and I am pleased the bill now reflects the intent of this language by assigning this duty to the Secretary in his report to Congress.

Finally, my third amendment amends the provision relating to the opportunity-to-learn development grant first by adding language allowing NESIC to consider unsolicited proposals when determining whom will receive OTL development grants. This amendment also clarifies that more than one grant is to be awarded under this provision. I have been informed

that the committee has always intended for more than one award to be issued, and this amendment makes this intention clear.

Mr. President, I believe we can—and should—make a determined effort to ensure we pass a good bill and a bill which, unlike our efforts in 1992, will return from conference in a recognizable form. I know all of us in this body are committed to doing so.

I want to thank the members of the Education Subcommittee for their efforts on this bill and their willingness to accommodate on my amendments. I am encouraged by the debate we have had so far, and I look forward to enacting meaningful and responsible reform during this Congress.

The PRESIDING OFFICER. Under the previous order the clerk will read S. 1361 for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WALLOP. Mr. President, yes there are problems in education. Federal Government control is not the solution to these problems. We cannot belittle the troubles that plague our children's schools, but a \$400 million Federal Band-aid is going to fix nothing and harm everything. Goals 2000 will not fix education but it will complicate it. The most likely result of this new Federal intrusion will be irreparable damage to the entire education community in this country.

Our schools need our help. Our students are facing problems and situations today that none of us ever encountered. But by and large they are more the fault of Government policy. Many public schools are facing dramatic difficulties, and the congressional knee-jerk reaction is: "If only we give more money, everything will be fine." Mr. President, that is simply not true. Money can help a world of woes, but it won't buy quality. Like virtually every other sector in this country which the Federal Government touches, the educational structure is flabby from Federal pork.

This legislation comes as a surprise. All I have been hearing about during my years here in the Senate, in public life before coming to Washington, was that Americans want less Federal intervention in their lives—not more. And here we are talking about giving the Government even more control over the basic education programs of our children.

This bill is yet another step in the Federal Government's takeover of education in general. Sure, the bill's proponents repeat over and over again, "It's voluntary, voluntary, voluntary." I say it is the large Federal camel's nose in history.

The claim that Goals 2000 is voluntary is without merit. Any schools will dance for the piper with more money. Waving a \$400 million carrot in

front of school noses and promising that the control will stay in school hands is just plain fatuous. It is already mandatory for the States to jump through hoops and dance jigs in order to get Federal funds. There are strict guidelines in the grant programs that must be adhered to, or the money is withheld. Who supposes this will be different?

Once the States submit educational plans and have them approved by the National Education Goals Panel or the National Education Standards Improvement Council or the Secretary of Education or whoever, and receive their stipend, they are hooked. They will be obligated to the Federal Government to do whatever the Government directs them to do. There is absolutely nothing in here that keeps the Government from changing course midstream. Once the schools are dependent on the funds from Goals 2000, they will have no choice but to comply. We do not need the Government "Nanny" directing how we raise and educate our children. Our children and parents need more support and freedom, not mandates.

Mr. President, I urge my colleagues to oppose this legislation on its face. The promise of more money to our schools through this desirous method is repugnant; \$400 million split among 50 States, the District of Columbia, and all our territories, let alone how much is actually appropriated after the bill goes to conference, will amount to little help, but the States will be tied to it forever. The "National School Board" will have arrived.

This is coercion, Mr. President, and I will not support it. This is not the solution. Accountability is the solution—accountability to our parents, accountability to our children—not accountability to the National Education Association or the Department of Education.

The PRESIDING OFFICER. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. KENNEDY. Mr. President, have the yeas and nays on final passage been ordered?

The PRESIDING OFFICER. The Chair would advise the Senator that they have been ordered.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I expect very shortly we will be having the

final vote on the Goals 2000. I thought I would just report to the Senate what the administration intends to do in the outyears.

This current year, subject to authorization, Goals 2000 will receive \$100 million. After the conference, which I think can be worked out very quickly, we will be able to implement the program. Under the President's budget, which we have now, the President has indicated that Goals 2000 funding would be increased to \$700 million in 1995 and \$1 billion in 1996, 1997, and 1998. That would be \$3.8 billion over 5 years in terms of support for education reform. I do not mean support from the top. Those grants will go primarily to schools and school districts across this country.

I believe that is a very, very significant commitment toward achieving the goals in the legislation and toward real school reform.

When you take the increase in the Head Start Program, which is going to be some \$700 million; the increase in the Chapter 1 Program, which is an additional \$700 million; the \$300 million increase for Chapter 2, which would basically go to training programs for teachers, focusing on teacher education and upgrading teachers' skills—all this is a major, major commitment by the administration to education programs.

So, this is a very important day in the life of the education of this country. I just want, once again, to extend our great appreciation for the strong bipartisan support we had in our committee and here on the floor, and to thank, in particular, Senator JEFFORDS, Senator KASSEBAUM, and our associate, Senator PELL, who is the chairman of the Education Committee who has been a tireless advocate for these kinds of reforms and a number of others over many years.

It is important for our local schools to understand, for parents to understand, for students to understand, for school boards and principals and supervisors to understand, and for those who have responsibility in the States for leading education, as well as the Governors, to understand that this is really a dramatic commitment by the President and the administration and the Congress to put education issues on the front burner of the American agenda.

I think this is extremely important. I agree with those—and I note the Senator from Vermont is on the floor—who believe we have to do even more in terms of investing in our young people than even this commitment. But I do think we are making an extremely important downpayment on what I hope will be an increased commitment of resources to quality education for the young people of this country.

We now look forward to working to make sure that this legislation achieves the objectives which we have



advanced in the committee and on the floor during these past days of debate. I thank the Chair.

Mr. JEFFORDS addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to thank the Senator from Massachusetts for the incredible work on this bill. As he has stated, we have established a needed framework or at least the groundwork to create the framework for education reform in this country. What we have done today could turn out to be one of the most important days in the history of this country if we fulfill our commitment to follow up with the plans that are laid and follow through with the resources that are necessary to accomplish the goals which we have established.

So I look forward to working with my good friend in my neighboring State of Massachusetts to make sure we do continue on this path towards alleviating an incredible crisis in this Nation in the field of education which is related directly to our ability to compete in the world of the future and to increase the standard of living and to help all of our people have a better life.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was leaders' time reserved?

The PRESIDING OFFICER. Leaders' time was reserved; the Senator is correct.

#### SALUTE TO WAYNE ANGELL

Mr. DOLE. Mr. President, as Republican leader, I have had the opportunity to recommend a number of outstanding Americans for appointments in various administrations.

And no doubt about it, one of the recommendations in which I have always taken great pride was to name Wayne Angell to the Federal Reserve Board.

When Wayne Angell leaves the Federal Reserve Board on February 10, he will leave behind an 8-year record as a voice for low inflation, low interest rates, and common sense.

As the Wichita Eagle wrote this week, "For Wayne Angell, self-reliance is preferable to government programs; markets generally regulate themselves better than do governments; and prosperity is more likely to ensue when the impulse to tax is restrained."

I am proud to say that Wayne Angell learned those lessons in Kansas. He was born in Liberal, KS, and received degrees from Ottawa University and Kansas University. Before coming to the Fed, Wayne had been an educator, a banker, a small businessman, a State legislator, and a farmer.

In fact, when he was appointed to the Federal Reserve by President Ronald Reagan in 1985, Governor Angell became the only farmer and the only small banker to serve on this distinguished panel.

Among those who watch the Federal Reserve closely, Wayne has earned a reputation as an inflation hawk who strove to make the dollar as good as gold, and as someone who helped bring both inflation and interest rates to the lowest levels in a generation.

There is little doubt among economists that low interest rates were the primary force pushing the economy forward in 1993.

The millions of Americans who took advantage of these low rates to purchase a first home or refinance their mortgage owe Governor Angell a debt of gratitude.

Mr. President, Wayne D. Angell has done an excellent job at the Federal Reserve. And I know that whatever road Wayne takes in the future, he will continue to make a positive difference in the life of Kansas, and the life of America.

I thank the Chair.

(The remarks of Mr. DOLE pertaining to the introduction of S. 1836 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### TRIBUTE TO LISA FRICK

Mr. DOLE. Mr. President, I would like to take a moment to recognize a member of my staff, Lisa Frick, who has recently moved to the private sector. Lisa is a native of Scott City, KS, and the daughter of Jack and Linda Frick. Lisa served ably in my personal office for almost 4 years. In that time, she worked tirelessly to assist Kansans and respond to their concerns. She put in long hours and became well known to the Kansans she spoke with as someone who listened and took their views seriously.

Lisa has joined the Independent Petroleum Producers Association. I know that she will bring the same dedication and good Kansas sense to her new job as she demonstrated in my office, and I wish her the very best of luck.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### CONCERNING JENNIFER SCOTT SMITH

Mr. BOREN. Mr. President, I did not want this day to pass without mention of 28-year-old Jennifer Scott Smith, a young Oklahoman whom I had the pleasure of meeting in my office in early August 1993. A 1983 graduate of Norman High School in Norman, OK, Jennifer attended the Air Force Academy for 2 years before entering the University of Oklahoma School of Engineering. She graduated with a degree in mechanical engineering. After working 3 years with Andersen Consulting, she decided to do graduate work at the University of Maryland.

When Jennifer and I met last summer, she spoke openly and bravely about her battle with cancer. I was impressed with her courage and determination to beat the odds. She was bright and witty, and certainly a fine example of the young Oklahoma citizens whom I represent on a daily basis in the Nation's Capitol.

Last Saturday evening, Jennifer Smith lost her battle with cancer. Her young life will be celebrated today in Norman. On behalf of her many friends and acquaintances and the State of Oklahoma, I offer heartfelt sympathy to her mother Jean and her father, Eddie Carol Smith, dean of the graduate school at the University of Oklahoma.

#### SHIFTING MONEY TO HELP POOR STUDENTS

Mr. PELL. Mr. President, I would like to bring to the attention of my colleagues an editorial which appeared in the New York Times last week. The editorial is in regard to the formula for the chapter 1 program, established under the Elementary and Secondary Education Act of 1965 [ESEA]. Chapter 1, which serves over 5½ million children at \$6.9 billion, will be reauthorized this year.

There will be many important issues related to that reauthorization, but perhaps none will be more difficult to resolve than changes to the chapter 1 formula. While I wish that our resources were unlimited and that we could serve every chapter 1-eligible child, I am afraid the harsh reality is

quite the opposite. We are confronted with severe fiscal restraints, and the unpleasant truth is that funding will not reach the levels I am sure we all believe are necessary.

In that regard, it is crucial, perhaps now more than ever before, that Federal legislation be carefully crafted and better targeted so that programs will reach the neediest of children in the neediest of areas. If chapter 1 is to fulfill its promise during these austere budgetary times, then as the New York Times editorial encourages, dollars must be targeted in greater amounts on fewer students.

Mr. President, I encourage my colleagues to take a moment to read the New York Times editorial and ask unanimous consent that its full text be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 1, 1994]

#### SHIFTING MONEY TO HELP POOR STUDENTS

The Federal program aimed at improving basic academic skills of low-income children, known as Chapter 1, needs major revision. Over the years, its funds have been spread too thin and fail to help many of the neediest students.

The Clinton Administration has put forth a sensible plan to concentrate more money on the most disadvantaged students. As Congress begins marking up the bill this week, it should follow the Administration's lead—and go even further.

Since 1965 the program has provided remedial instruction in reading, language and math to lower-income students. It currently covers more than five million students in two-thirds of the nation's schools. But in the last year, three separate studies have suggested changes to improve the program's success.

Typically, students are pulled out of regular classes to attend remedial classes for 30 minutes. Too often, they then fall behind in their regular classes. The reports recommended fewer remedial classes and more emphasis in regular classes on critical thinking and analytical skills. They also suggested improvements in teacher training, student evaluations and health and social services for needy students.

The biggest issue before a House education subcommittee this week involves funding. Schools receiving Chapter 1 dollars are spread out in 95 percent of the nation's school districts. The Administration proposes new formulas in the \$6 billion program that would shift money from some areas with low concentrations of poor students, including Montana, Nebraska and Maine, to cities like New York, Los Angeles and Detroit with high concentrations of poor children.

Even with the proposed shifts, many schools will still be too short of funds to meet the higher academic standards the Administration suggests. They may need extra money to ensure that students have realistic opportunities to learn.

Many members of Congress may be reluctant to see Federal education dollars transferred from their home districts. But the clearest Federal role in education is to equalize opportunity. Chapter 1 can only fulfill that mission if it is revamped.

#### CAROLYN C. ROBERTS

Mr. LEAHY. Mr. President, all of Vermont shared a proud moment on January 31, when Carolyn Roberts, president and chief executive officer of Copley Health System in Morrisville, VT, was sworn in as chair of the American Hospital Association's Board of Trustees. I can think of no person more qualified or better prepared to lead hospitals during this year of intense debate about how best to reform our Nation's health care system.

Over the years, Carolyn has shared with me, her ideas on improving the way we deliver health care, particularly in rural areas, and I have come to rely on her expertise to guide me in health care issues. I always have been impressed that Carolyn never loses sight of what health care is all about—taking care of people.

Recently, she testified at a hearing of my Judiciary Subcommittee on Technology and the Law on the information and privacy aspects of President Clinton's Health Security Act. I look forward to working with Carolyn on this and other issues central to the reform debate.

Carolyn is my adviser and my friend. I wish her the very best in the coming year.

Mr. President, I ask unanimous consent that the following description of Carolyn Roberts from the program for her investiture ceremony be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

#### INVESTITURE PROGRAM

Presiding Officer, Larry L. Mathis, Speaker, House of Delegates.

Call to order, Larry L. Mathis.

Invocation, The Reverend Edward J. Mahoney, Ph.D., St. Michael's College, Winooski, VT.

Concert, University Choral Union and Jon Gailmor, Burlington, VT, directed by James Chapman.

Introduction of Officers of State Hospital Associations, Larry L. Mathis.

Investiture of Chair, Board of Trustees, Michael P. Guerin, AHA Secretary.

Chair's Inaugural Address, Carolyn C. Roberts.

Reception, Honoring Chair, Carolyn C. Roberts, Crystal Ballroom.

Integrity, intelligence, intensity, these characteristics only begin to capture the whirlwind of excitement and vibrant energy that is Carolyn Roberts. A forceful and committed health care leader with a deep devotion to health care needs of communities, she is known and respected for her great enthusiasm, dedication, and outside-the-lines thinking—a combination that makes her the master of accomplishing the nearly impossible.

Her vision of health care reform is strongly patient- and community-centered with a long-held commitment to restructuring the delivery system.

In Copley Hospital, Carolyn has fostered an institution both innovative and warmly comforting, bolstered by her foresight and far-reaching strategic thinking. Set in some-

what isolated northcentral Vermont and about 35 miles from neighboring hospitals, 54-bed Copley Hospital under Carolyn's leadership has become a model of collaboration. In addition to forming a rural health consortium in the 1980s, Copley Hospital has also led state-level initiatives on quality, data, and ethics and has received numerous grants to study opportunities to improve care in rural areas. In 1987, Copley Hospital was co-winner of the prestigious Foster G. McGaw Prize for its community services and innovation in rural health care and housing for the elderly. Carolyn's professional experience spans research and management in urban teaching centers, giving her the knowledge and insights to foster collaboration across the continuum.

As one who understands that being a good listener is basic to good leadership, Carolyn radiates caring and a profound sense of valuing each person and each idea. Colleagues respect her openness, acumen, and judgment on difficult issues, as well as her natural leadership skills and sense of humor. Carolyn was named the 1987 Health Care Executive of the Year by the American Academy of Medical Administrators and is also active in numerous other professional organizations. Actively promoting leadership opportunities for women, she is a founding member of Health Alliance and long-term executive committee member of Women's Healthcare Forum.

In leisure time, she golfs, does needlework holds her own in a season-long football pool with husband Ed Connors, and regularly wins their perpetual cribbage competition. Her office at Copley Hospital is crammed with black-and-white spotted Holstein memorabilia, a tribute to Vermont's dairy cows. Son Mark and wife Kaylee are close by in Morrisville, with their two children, Cynthia, 6, and Sam, 5. Daughter Deanna and her husband, Michael Hazeltine, live in Southboro, Massachusetts, with 6-year-old Stephen and 4-year-old Erin. Together, Carolyn and Ed have eleven grandchildren—a full and sometimes hectic family life.

Carolyn is a leader of many accomplishments, in Copley Hospital, Vermont, and in the nation. And maybe one clue to understanding her success can be found in her hopeless addiction to cloud-watching. Carolyn is captured by the swirls, colors, shapes, and textures of clouds. In clouds, as in personal and professional life, Carolyn Roberts finds hidden possibilities and sees broad and deep meanings. And in life and health care, as in clouds, she finds excitement, energy, and vision.

#### DISABILITY PAYMENTS TO DRUG ADDICTS AND ALCOHOLICS

Mr. COHEN. Mr. President, the President of the United States has just submitted a \$1.52 trillion budget proposal to Congress and this week will introduce his drug strategy plan. We will soon start rolling up our sleeves to hammer out the details of major health care reform proposals—and will then turn to the rather large task of reforming our Nation's welfare system.

While there will be many solutions proposed to these problems of crime, drugs, health care, and welfare, I rise today to report to my colleagues on one way that we can make a dent in each of these problems facing our Nation today.



Stop giving drug dealers and drug addicts cash to buy more drugs. Absurd as it must seem to hardworking Americans who see more and more of their paychecks going to taxes, and to severely disabled persons who truly need assistance, we are now paying over a billion dollars a year in disability payments to drug addicts and alcoholics—many of whom are using taxpayer dollars to buy more drugs and alcohol.

For the past several months, my staff on the Senate Special Committee on Aging has been investigating the payment of Social Security disability benefits to drug addicts and alcoholics. As part of this investigation, I asked the GAO to review the adequacy of the Social Security Administration's program for SSI and DI recipients who are drug addicts and alcoholics [DA&A].

#### FINDINGS

The current policy of allowing addicts and alcoholics to use disability payments to turn around and buy more drugs and alcohol seriously undermines our efforts to combat crime, promote preventive health care, and reform our welfare system. In addition to wasting taxpayer dollars, the current situation hurts the addicts themselves—and only perpetuates drug and alcohol abuse.

We found that:

The word on the street is that SSI gives easy cash for drugs and alcohol.

The director of a homeless shelter in Denver told staff investigators that SSI is, in effect "suicide on the installment plan" because the program provides ready cash to addicts and alcoholics with no strings attached for followup or treatment. He maintains that the first day of every month is considered Christmas Day by many of the alcoholics and addicts who use the money for illegal drugs and alcohol, fail to enter treatment programs, and then either stay on the street or return to homeless shelters for food and shelter once their disability benefit has been spent on drugs.

An expert who works with drug abusers and alcoholics compared the policy of giving addicts cash to "giving someone on disability because of cancer a monthly injection of cancer cells."

A mental health worker specializing in chemical dependency told the committee that his caseload of illegal drug users was about 99.5 percent SSI recipients. He said that he has witnessed several deaths of SSI recipients from drug overdoses, "yet their checks just keep coming."

In San Francisco, a drug addict used his disability benefits to buy high-grade drugs, diluted these into small doses, and realized huge profits by reselling them on the street.

In our investigation, we heard several allegations that the current disability process has spawned a cottage industry of clinics, attorney representatives, and doctors who help abusers get on the disability rolls.

Another major finding is that lump sum disability benefits of thousands of dollars are being paid to substance abusers who are using these funds to buy drugs and alcohol.

Since it frequently takes a year or longer to be awarded benefits for SSI and DI, lump sums as high as \$15,000 to \$20,000 can be awarded to substance abusers. For example:

An SSI applicant alleging drug addiction was found disabled and then died of a lethal drug overdose purchased with thousands of dollars of unrestricted retroactive benefits.

An SSI and DI recipient with a history of drug abuse was awarded retroactive benefits of \$19,000. He went directly to Las Vegas and proceeded to purchase cocaine, using up all of his money.

We know directly that some recipients are dealing drugs but we still pay them.

The Ninth Circuit Court of Appeals ruled last week that under the current law governing the SSI program, active drug dealing is not enough to deny disability benefits.

So even if you are dealing in drugs that is not enough to stop the flow of taxpayer money going to that individual. I would like to try to explain that one to the American taxpayer.

The protections that are supposed to exist in the program have failed.

Congress required that drug abusers and alcoholics comply with two requirements in order to get disability and SSI benefits:

They must have treatment and have a third party, either a friend, relative, or an institution manage the payments on their behalf.

Both of these protections have failed.

Up until last month, the Social Security Administration had set up programs to monitor and enforce the treatment requirement in only 18 States. In fact, 26 States had never had an agency approved by SSA to monitor treatment.

Fewer than one-third of the approximately 250,000 drug addicts and alcoholics are even required to get treatment or have someone else collect their benefits for them.

Of the \$1.4 billion in benefits flowing to drug addicts and alcoholics on the SSI and disability programs, only \$320 million of these payments are even covered by these protections. So, over \$1.1 billion in payments are exposed to widespread abuse—with no controls in place.

There are widespread problems in the collection of payments by third parties on behalf of the drug and alcohol abusers—in fact, we found cases where the bartender, the local drug dealer, or another addict was appointed as the guardian of the payments.

Mr. President, this simply cannot be allowed to continue, that we are making payments directly to local bar-

tenders, or to other drug addicts to collect the money who then go out and buy more alcohol and more drugs. It is an intolerable situation. Soon I will be introducing legislation that I think we can take corrective action very quickly and very simply to stop the flow of money going to this type of abuse.

Mr. President, I yield the floor.

#### IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, February 7, the Federal debt stood at \$4,517,324,862,004.37, meaning that on a per capita basis, every man, woman and child in America owes \$17,326.94 as his or her share of that debt.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI].

#### UNITED STATES-JAPAN FRAMEWORK INSURANCE TALKS

Mr. MURKOWSKI. Mr. President, as President Clinton prepares for his summit with Prime Minister Hosokawa later this week, I want to make several points about the framework negotiations on insurance. First and foremost, the United States must not accept an agreement which fails to provide genuine competitive opportunities for American companies in Japan. An agreement for its own sake would be a serious mistake, and unacceptable to this Senator. A bad agreement would be worse than no agreement at all.

It is critical for the administration to follow through on its publicly stated goal of a results-oriented insurance agreement with Japan. The MOF and Japanese insurance companies must understand that our Government's support for the United States insurance industry is real. The Japanese Government and insurance companies must no longer be allowed to discriminate with impunity against United States insurance interests.

Foreign insurance companies currently hold less than 3 percent of Japan's market. In other OECD countries, the foreign share is at least 10 percent, and up to 33 percent. If Japan's insurance deregulation program is to be truly meaningful, foreign firms must be allowed to compete in a fair manner, and the limited progress made to date by foreign firms must not be sacrificed in the name of deregulation. On the contrary, this progress should be fostered, so Japanese consumers, both individual and corporations, can enjoy the benefits that deregulation is intended to generate.

The consequences of these negotiations will reach beyond Japan to elsewhere in Asia. Other Asian governments will take note of the serious support by our Government for industry objectives across the region.

We cannot afford to wait as long as we did on the construction industry issue in Japan. My experience there suggests that real progress can be made on difficult access problems when a serious approach is taken. Reforms will benefit both economies and underscore that Japan is serious about reducing its trade imbalance with America.

Further, Japan has suggested the United States is trying to manage trade. It is disingenuous for Japan, of all countries, to suggest the United States is somehow threatening fundamental market economics. The allegation is a red herring. Rather, the United States is simply trying to establish benchmarks to determine whether an agreement is achieving its objectives, something the Japanese should favor.

#### READY TO LEARN ACT

Mr. KENNEDY. Mr. President, when E.B. White first saw television in 1938, he said he hoped it would be "a saving radiance in the sky." By including \$10 million for the Ready To Learn Act in the fiscal year 1995 budget, President Clinton has taken an important step toward achieving that dream.

The Ready To Learn Act, passed by Congress in 1992, mobilizes the power of television to deal with one of our most pervasive national problems: children entering school who are not ready to learn. The crisis is staggering. According to a study by the Carnegie Foundation for the Advancement of Teaching, 35 percent of the country's children do not enter school ready to learn.

The Ready To Learn Act addresses this problem by promoting the development of educational TV programming to prepare children for the classroom. It also offers training workbooks for teachers and parents, and uses telecommunications technology to bring such programming to isolated or disadvantaged communities throughout the country.

Last month, I visited one of the leading PBS affiliates in the country, WGBH in Boston. Head Start counsellors from 11 cities across the country had come for training on how to use educational TV programming to improve children's academic readiness. Numerous educational programs, such as "Where in the World is Carmen Sandiego," have been developed at WGBH to serve children's educational needs. The Ready To Learn Act will build on such progress, and play a significant role in school reform.

It is appropriate that as the Senate acts today on two major new education initiatives—the Goals 2000 bill and the school-to-work bill—President Clinton's budget demonstrates the administration's high priority on this aspect of education as well. Last year, the Corporation for Public Broadcasting re-

ceived \$7 million in forward funding for fiscal year 1996 for Ready To Learn programming. Now, in his current budget, the President has strengthened and accelerated that commitment.

I commend the President for his action, and I look forward to working with the administration to fulfill the great potential of this legislation.

#### UNFUNDED MANDATES AND THE AMERICANS WITH DISABILITIES ACT

Mr. METZENBAUM. Mr. President, I rise today to address the issue of unfunded mandates.

This has become a hot topic these days. I have heard many reports about State and local governments complaining about Federal statutes such as the Safe Drinking Water Act and the Clean Air Act. Local officials complain that they do not have the funds in their budgets to comply with the requirements of these laws.

I can understand their frustration. Stretching tight dollars for necessary programs has become the standard operating procedure around here. But, I am also particularly troubled by the comments and complaints about one statute, the Americans With Disabilities Act.

When this legislation was passed 4 years ago, it was hailed as a landmark civil rights bill. It secured fundamental and basic civil rights for the estimated 43 million Americans with physical or mental disabilities. Under the Americans With Disabilities Act [ADA], employer discrimination against persons with disabilities would become a thing of the past.

A person in a wheelchair would have the same access to a public building as any other citizen. A disabled person would no longer face exclusion and segregation; inclusion in mainstream society would no longer remain an elusive dream, but would be an attainable goal. And yet, the Americans who have struggled with disabilities, discrimination, and often the callous disregard of society, now hear the chorus of those on the unfunded mandate bandwagon that the ADA is an unfair burden.

On one news broadcast, a mayor of a large city in my State complained that the citizens of his community may have to do without some services because of the cost of complying with the ADA. Well, some citizens in some communities around the country have gone without services for the past 20 years because they were disabled.

They have been the ones who have gone without access to city hall. They have been the ones who have been passed by when the bus came down the street. They have been the ones who have borne their share of unfair burdens. And now, after they have been empowered under the ADA to gain access to public buildings and gain access

to Government services, the local and State governments are starting to balk at implementing the act.

Some officials want Congress to scale back the act. Some officials have even complained that they will implement the act when Congress appropriates funds for it. Well, to be frank, we have been providing funding for many of these communities for the past 20 years.

Under the antidiscrimination provisions of the Rehabilitation Act of 1973, any public or private entity that received public funds had to be accessible to the disabled. So, for 20 years, many of these communities have received funds that could have been used to make services available for the disabled. Some advocates for the disabled community have even suggested that the State and local governments would not face the costs of implementing the ADA, if they had complied with section 504 of the Rehabilitation Act beginning in 1973.

However, we should not lose sight of the principal character and mission of the ADA in talking about how funds are available and how past funds were spent. The Americans With Disabilities Act is a civil rights bill. For many Americans who struggle every day with a disability, the passage of the ADA was a breath of fresh air. It has given hope to those who have been excluded from society.

In his report on reinventing government, Vice President GORE has taken a strong stance on unfunded mandates. While I appreciate his concern and will work with him to accomplish many of the goals in his report, I hope that the ADA will be considered not just another unfunded mandate, but the landmark civil rights legislation that it truly is.

I want to make my position clear on this subject. In the coming months, as unfunded mandates are debated on the floor of the Senate, I will not stand by if basic and fundamental rights for disabled Americans are denigrated in the name of saving a few dollars. Disabled citizens of our Nation have waited too long for rights provided by the ADA to see those rights swept away in the rhetoric against unfunded mandates.

#### HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, last week, I delivered my first weekly report to the Senate on the number of homicides by gunshot in New York City. I rise again today to announce that last week, there were 23 such homicides in the city of New York.

Mr. President, we are in the midst of a public health epidemic. These often random killings will continue unless we restrict or heavily tax handgun ammunition. Not ammunition used primarily to hunt or for target practice.



But rounds used by drug dealers, rounds that emergency room doctors must remove from the bleeding bodies of gunshot victims, rounds that injure, rounds that maim, rounds that kill.

Some opponents of ammunition or handgun control assert that ownership of a handgun could very well thwart an attempted burglary, homicide, rape, or assault. This could not be further from the truth.

According to New York Newsday, at 11:45 p.m. on Tuesday, January 25, 1994, Mr. Ray Simms "was shot twice in the side with his own gun after he shot his landlord during a dispute over heat in his building. \* \* \* Simms died later at Harlem Hospital Center." Killed with his own gun, Mr. President. None of us know why Mr. Simms had purchased this gun. But what a tragic irony indeed if he did buy it for protection. According to the October 7, 1993 issue of the New England Journal of Medicine, keeping a firearm in the home is associated with a risk of homicide nearly three times as high. Simms' death, sadly, illustrates this point.

Mr. President, following the President's Day recess, I will again report to the Senate on the number of persons killed in New York City by gunshot. There will probably be 40 or so victims. And we will continue to do nothing as more and more people will die.

We must take action now and ban the most nefarious rounds and tax others. We must act to save lives.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I ask that the Senate resume consideration of S. 1150.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the immediate consideration of H.R. 1804, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of

educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certification; and for other purposes.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 1804 is stricken and the text of S. 1150 is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read the third time.

#### UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that at 5 p.m. today, the Senate proceed to executive session to vote on the nomination of M. Larry Lawrence to be Ambassador to Switzerland, Executive Calendar Order No. 536; and that, if confirmed, the President be notified of the Senate's action.

I further ask unanimous consent that following the vote on Executive Calendar Order No. 536, the Senate proceed to the en bloc consideration of the following nominations:

K. Terry Dornbush, to be Ambassador to the Kingdom of the Netherlands, Executive Calendar Order No. 531; Thomas L. Siebert, to be Ambassador to Sweden, Executive Calendar Order No. 534; Sidney Williams, to be Ambassador to the Commonwealth of the Bahamas, Executive Calendar Order No. 535; and nominations on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that at that time the nominees be confirmed en bloc; that any statements appear in the RECORD as read; that the motions to reconsider be tabled, en bloc; that the President be notified of the Senate's action; that the Senate return to legislative session, and then vote, without any intervening action or debate, on final passage of H.R. 1804, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent, as if in executive session, that it now be in order to request the yeas and nays on the Lawrence nomination.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

#### MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, pursuant to the agreement just approved, there will be two rollcall votes beginning at 5 p.m. this evening. There will be no further rollcall votes today after that.

The Senate, tomorrow, providing that consent is obtained—which I hope it will be—will proceed to consideration of the emergency supplemental appropriations bill, which the Senate Appropriations Committee is expected to complete action on shortly.

The votes at 5 p.m. today will be first on the nomination of M. Larry Lawrence to be Ambassador to Switzerland, and then, following consent action not requiring recorded votes on a series of other nominations which I have just stated, the Senate will vote by rollcall in a record vote on final passage of H.R. 1804, which is the Goals 2000 education bill.

So there will be two record votes, not immediately back to back, but the second one will follow closely after the first one at 5 p.m., and there will be no further rollcall votes today after that.

Mr. President, I thank my colleagues for their cooperation and I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO], is recognized.

#### WHITEWATER

Mr. D'AMATO. Mr. President, today is February 8. We can mark off one more day in the Whitewater/Madison County. There are only 20 days remaining until February 28.

While we say we have 20 days remaining, in essence, as it relates to business days that we may be in session, it is a lot less. It is, at the most, 7 days: February 9, 10, and if we are in session, the 11th, because we go out and do not come back until the 22d. So that would then be 5, 6, 7—8 business days. And we have not gotten a response yet as it relates to the status of the statute of limitations which will run out on February 28.

Again, the Senator says the statute of limitations, people do not really understand. What that means is once that date is reached, the 28th, anyone who might have liability as it relates to the failure of this institution, which cost the taxpayers \$47 million, will no longer have liability unless two things are achieved: First, a tolling agree-

ment is obtained. That is something that is done regularly in these cases. That is not extraordinary. So what we are asking of the RTC is: Are you undertaking the tolling agreement that you do regularly? And, second, if not: Will you be undertaking, then, a suit against those people who have potential liability, to protect the taxpayers and thereby find additional opportunity to refine the lawsuit and, in essence, toll the statute?

I have to say, the RTC's response to date is one of obfuscation. In the two letters we have sent to them, they have really failed to answer the question directly: Is this the last day? We believe it is, February 28. Second, are you seeking these tolling agreements? If you are not, why are you not and will you be commencing action against those people who might have liability before the statute of limitations runs out?

That is why I and a number of my colleagues, 40 Senators at this time have joined with me in sending a letter today to the interim RTC Chief, and that is Mr. Altman. Thirty-nine of my colleagues have joined me. We have requested a prompt and comprehensive response from the RTC.

Under ordinary circumstances, one might believe that a prompt response would be forthcoming. I am somewhat doubtful. I believe we are getting the old "four-corner stall". This is being viewed as a game. I think we call it stonewalling. That is what is taking place. Indeed, Mr. Altman has an obligation, notwithstanding his tremendous responsibilities as Deputy Secretary of the Treasury, to respond to us because he is the interim Chief, by the way, of the RTC. We do not have a head of the RTC. He is the acting Chief. And that raises some other very interesting and difficult questions.

Can a man who is appointed by another person allow the kind of review necessary and make a recommendation that may impact upon the appointing official? I think it is very, very doubtful if that can be done without there being a tremendous burden placed on that person. One that ethically and morally should not be placed on Mr. Altman. It is wrong. But that is exactly and precisely what we have today.

Mr. MURKOWSKI. I wonder, Mr. President, if the Senator from New York will yield for a question?

Mr. D'AMATO. Certainly.

Mr. MURKOWSKI. First, let me compliment him for his efforts in generating the signatures of 40 Senators on the letter to Mr. Altman.

But I wonder if I could inquire of the distinguished ranking member of the Banking Committee specifically whether or not there is an oversight board at the RTC that determines strategies and suggests policies to the Chief Executive Officer; in this case, the acting Chief, Mr. Altman?

Mr. D'AMATO. There is such a board. It is known as the Thrift Depositor Protection Oversight Board.

Mr. MURKOWSKI. Can the Senator give us an idea of who the members of the board are and what the status and authority of the board might be?

Mr. D'AMATO. I can. By statute there are seven members of the board. They consist of the Secretary of the Treasury, Lloyd Bentsen; the Federal Reserve Chairman, Alan Greenspan; the Director of the Office of Thrift Supervision—we now have an acting Director; the Chairman of the FDIC—we have an acting Chairman there; and Chief Executive Officer of the RTC—in this case, that is Mr. Altman, who is the interim CEO.

In addition to those five members, there are two independent members. Neither of these posts are filled. They are presently vacant, the post of the two independent members.

Mr. MURKOWSKI. The Senator from New York has indicated there are two members, the Director of the Office of Thrift Supervision and the CEO of RTC, who have not been confirmed in their posts. And the independent members as well. Two of those have not been appointed.

I wonder if the Senator from New York has any idea as to why these posts have not been filled by permanent appointees?

Mr. D'AMATO. I cannot answer that question. There are four vacancies. I know there have been difficulties with one of them, the filling of one of those posts and nomination for another of these is pending. But why the other two independents have not been filled, I have no reason. I think for the board to be fully functional, to have the kind of review necessary and encompassed by the statute, certainly those posts should be filled.

Mr. MURKOWSKI. I wonder, it is my understanding that this board has broad authority relating to the overall direction the RTC takes. For instance, the board is authorized to review the RTC's overall strategies, policies, and goals for resolution of various cases, and cases that may require the modification of such strategies. This board obviously has some authority in policymaking, to communicate to the Chief Executive Officer of RTC.

Mr. D'AMATO. That is correct. It does have the ability to set that. Indeed, that is its goal, not only to review but set policy.

I note the RTC itself is authorized to take whatever actions it deems appropriate with respect to individual cases and their resolution, without the approval or disapproval of the board.

Mr. MURKOWSKI. So, in other words, the RTC could determine in this case to seek a tolling of the statute of limitations in the Madison case without having to gain the approval of the oversight board? That is within the au-

thority of the Chief Executive Officer, Mr. Altman? Or it appears to be?

Mr. D'AMATO. That is correct. The oversight board sets a general strategy for the RTC, but the RTC operates on a case-by-case basis, without having to seek approval of the board.

Mr. MURKOWSKI. Further, it is my understanding that the oversight board may issue rules and regulations and standards consistent with its responsibilities in setting policies and goals for case resolution.

In Mr. Altman's February 1 letter to the Senator, he indicated that the RTC would pursue all appropriate remedies, using "standard procedures." That would suggest to me it is a standard procedure to seek tolling agreement in civil proceedings seeking a recovery of taxpayer funds. I think in this instance we are talking about something in the area of \$47 million, or thereabouts. So would it not be fair to assume that the oversight board has rules that would require seeking tolling agreements in a case such as Madison?

Mr. D'AMATO. I know of no reason why the board could not establish standards pertaining to the RTC's use of tolling agreements, as well as other general litigation policies. But I think what we have here is a policy and a practice which has been followed in all of the matters; in all of these cases where the statute is running, tolling agreements are regularly sought.

Mr. MURKOWSKI. So this would not be an exception? This would be a conventional policy of RTC, to simply extend the tolling agreement or, in the event the RTC cannot obtain the tolling agreements, then the RTC could file appropriate civil claims against all individuals whom the RTC has reasonable cause to believe may be liable to the United States, prior to the date of February 28, thereby tolling the statute and allowing time for refinements to the original complaint?

Mr. D'AMATO. The Senator from Alaska is absolutely correct. That is the frustrating part. Here we are—at one point a half-dozen Senators; at another point a number of Senators and Congressmen—attempting to get from the RTC the answer and the facts.

What, if anything, are you doing to protect the interest of the taxpayers in this case? Are we looking to extend—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might be permitted to proceed as in morning business for another 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. D'AMATO. I thank my colleagues and I thank the Chair.

What, if anything, are we doing to see to it, can we have an assurance that the tolling agreements are being sought or that in lieu of that, if they



are not able to get them from the various parties that might have liability, this being the case, if it is done regularly, then in that case that litigation would be commenced in order to protect the rights of the taxpayers.

The clock keeps ticking. It took us almost a month to get our second response. It is only because Chairman RIEGLE intervened, and we still have not gotten a satisfactory response. This Senator has now been forced to turn to colleagues, 39 of my colleagues have joined me—40 Senators—and we sent a letter today, which I will ask to be entered into the RECORD and read—although I know my colleague has another question.

Mr. MURKOWSKI. Prior to reading it, because I do not want to interrupt the continuity, the Senator from Alaska believes we should take a closer look at the operations of the oversight board and consider the appropriateness of contacting its members with regard to this case and the potential for tolling the statute of limitations.

Obviously, we do not have the assurance of Mr. Altman that he intends to do it. He, in effect, said he might do it. But it would appear that the board, which has a responsibility of setting policy, could make a recommendation or perhaps direct him to do it.

I am wondering if the Senator from New York is prepared to pursue this as an alternative avenue if, indeed, a positive response is not forthcoming from Mr. Altman relative to his intention to extend tolling on the statute of the limitations in the Madison case?

Mr. D'AMATO. It is my hope that the Banking Committee will have an oversight hearing prior to the February 28 deadline. Chairman RIEGLE has indicated he will hold hearings. I believe they have become almost academic. If we do not toll them prior to the 28th, that will put us into the week of the 22d.

I intend to raise this issue because, indeed, if we have not been satisfied that this case will be handled in the normal course, then I believe that it would be proper and correct for us to see if we could not get a determination from them instructing the RTC and setting down guidelines for them to see to it that they take the appropriate action to keep the statute from running out.

Mr. MURKOWSKI. As the Senator from New York has indicated, we are really up against some time realities here as you pointed out, to try and obtain the Senate Banking Committee's oversight hearings prior to February 28, knowing we have a recess that is going to be starting Friday of this week, which takes all of next week, and that leaves us just roughly 5 to 6 days in the last week of the month remaining.

Of course, the statute continues to go on and we continue to communicate

with the chairman of the RTC. I encourage my colleague to consider the merits of directing a communique to the oversight board and perhaps copying the letters, the correspondence that has already been sent to Mr. Altman pleading for an extension of the tolling so that no one can say they were not notified who is in a position of responsibility.

Finally, let me commend my colleague, the Senator from New York and ranking member of the Banking Committee for his commitment to pursue this matter. I think it is his intention today to deliver or have delivered to the RTC the signature of 40 Senators that urge an extension of that tolling. I am sure it is the Senator's intention to put that in the RECORD and perhaps read that letter as well.

So just let me wind this up by indicating that I think what is being initiated here to try and generate action within the timeframe prior to February 28 is in the best interest, certainly of the taxpayers of this country, already seeing some \$47 million—no small amount by any means—jeopardized by the action of Madison and the realization that Madison should be treated like any other S&L that has failed and the appropriate action by the RTC oversight board, as well as the chief executive officer, should be followed simply as a matter of standard procedure.

So I commend the Senator and thank him for his diligence in this matter.

Mr. D'AMATO. Let me thank my colleague and, indeed, I believe I will take that suggestion and see to it that a copy of our prior communication to Mr. Altman, as well as today's letter, be sent to the five members who are on the oversight board so that they understand that we will be seeking answers from them and maybe getting a decision from them and maybe they can contact Mr. Altman in regard to this.

Mr. President, I ask unanimous consent that a copy of the letter—I am not going to read it—we sent dated February 8, signed by 40 Senators, to Mr. Altman be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS,  
Washington, DC, February 8, 1994.

Mr. ROGER ALTMAN,  
President Interim and Chief Executive Officer,  
Resolution Trust Corporation, Washington, DC.

DEAR MR. ALTMAN: The RTC has acknowledged that the statute of limitations for any civil action arising from the failure of Madison Guaranty will run out on February 28. After February 28, the RTC will not be able to recover any more of the \$47 million the taxpayers were forced to pay to close Madison.

The RTC took over Madison in 1989. Presumably, the RTC has thorough knowledge of the institution, the reasons for its failures and the individuals and activities that con-

tributed to its demise. The RTC made a criminal referral to the Justice Department perhaps as early as October, 1992 based on its extensive information and investigation.

The RTC's inaction on the civil side is therefore even more disturbing. With the civil statute of limitations about to run out, the RTC must take action immediately. Unless the RTC takes actions, the rights of the American people to justice and financial recovery will be forfeited to a legal technicality.

Your February 1 letter offered assurances "that the Resolution Trust Corporation is conducting a thorough review of the potential civil claims it possesses as a result of the failure of Madison." Moreover, you stated that the RTC "will vigorously pursue all appropriate remedies using standard procedures in such cases, which could include seeking agreements to all the statute of limitations."

Beyond this general response, we are seeking specific answers to the following questions:

What is the RTC doing to obtain voluntary agreements to extend the statute of limitations from all potential defendants in the Madison/Whitewater matter beyond February 28, 1994?

In the event the RTC cannot obtain tolling agreements, will the RTC file appropriate civil claims against all individuals whom the RTC has reasonable cause to believe may be liable to the United States prior to February 28, thereby tolling the statute and allowing time for refinements to the original complaint?

Will the RTC provide us with a complete report on the status and scope of its "thorough review" as soon as possible?

Time is of the essence. The RTC has had years to investigate Madison Guaranty; it should have complete knowledge of the situation and adequate legal foundation for any civil suits. It has only a week left to act and it should do so without further delay.

We must respectfully request that you respond fully and promptly to this letter.

Sincerely,

Lauch Faircloth; Alfonse D'Amato; Frank H. Murkowski; Robert F. Bennett; Don Nickles; Trent Lott; Thad Cochran; Strom Thurmond; Hank Brown; Bill Roth; Paul Coverdell; Arlen Specter; ——— Connie Mack; Al Simpson; Nancy Landon Kassebaum; Richard G. Lugar; Judd Gregg; Conrad Burns; Dan Coats; Larry E. Craig; Chuck Grassley; Dirk Kempthorne; Bob Smith; Slade Gorton; John McCain; Jesse Helms; Larry Pressler; Kit Bond; Jim Jeffords; Dave Durenberger; Ted Stevens; Mitch McConnell; Malcolm Wallop; Peter V. Domenici; Orrin Hatch; John Danforth; John Warner; Bob Packwood; Bill Cohen; John H. Chafee.

Mr. D'AMATO. Mr. President, this letter will put several urgent questions to Mr. Altman and the RTC. Let me review them.

One. What is the RTC doing to obtain voluntary agreements to extend the statute of limitations beyond February 28 as it relates to all potential defendants or people who have possible liability in the Madison/Whitewater matter?

Two. If the RTC cannot obtain tolling agreements, will the RTC file an appropriate civil action against those who the RTC has reasonable cause to

believe may be liable to the taxpayers prior to the expiration of the statute of limitations?

Three. Will the RTC provide a complete report on the status and the scope of the thorough review described in the February 1 RTC letter to us as soon as possible?

Again, Mr. President, this is the third letter from Members of this body. It seeks answers to some basic questions. These basic questions must and should be answered.

The bottom line will be: Will American taxpayers see that all institutions are treated the same way, irrespective of where they are or who they are? That is the bottom line. As Sgt. Joe Friday said, "All we want are the facts."

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Does the Senator need to ask for a specific amount of time?

The PRESIDING OFFICER. Under a previous order, the Senator is authorized to speak for up to 10 minutes.

Mr. METZENBAUM. I ask unanimous consent that the time be extended to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MADISON GUARANTY

Mr. METZENBAUM. Mr. President, last week I took the floor in response to some statements by the junior Senator from New York. I described my friend's daily speeches as getting "curiouser and curiouser," a description I lifted from a prominent work of literary fiction.

In fact, the Senator's daily speeches, in my opinion, each represent a chapter in a completely new and original work of fiction. I call it "ALFONSE in Wonderland."

Mr. D'AMATO. Mr. President, I make a point of personal privilege. I believe rule 19 has been violated. I would ask for a ruling from the Chair? I did not know we got into this business of describing a Senator's conduct in a manner using Senators' names in a pejorative way—"ALFONSE in Wonderland." I think that has crossed the line. I ask for a ruling.

The PRESIDING OFFICER. The ruling will be the Senators should address each other through the Chair and in the third person.

Mr. METZENBAUM. I certainly have done that.

Mr. D'AMATO. Mr. President, let me ask if it is appropriate—

Mr. METZENBAUM. I have the floor.

Mr. D'AMATO. I ask for a ruling from the Chair, is it appropriate to address somebody and refer to another colleague—

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. D'AMATO. Another colleague as "ALFONSE in Wonderland?" Now is that appropriate?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. I have the floor.

Mr. D'AMATO. I ask for a ruling as it relates to the comments, and I will ask the clerk to read them back to the Chair. Was that not a violation of rule 19?

The PRESIDING OFFICER. The Senator will withhold until we get a ruling.

Mr. D'AMATO. Yes, I would like that.

The PRESIDING OFFICER. The Parliamentarian tells the Chair they need to do some research on this issue. During that time, the Senator from Ohio will continue to control the floor.

Mr. METZENBAUM. I thank the Chair.

Mr. D'AMATO. Thank you.

Mr. METZENBAUM. I might say to the Chair, I made no violation of the rules. I know the rules of the Senate. I just talked about certain speeches being what I think they are, "ALFONSE in Wonderland."

Day after day, the junior Senator, with furrowed brow, tells us of his heartfelt concern for the hapless taxpayer as the statute of limitations runs out in the Madison Guaranty matter.

He hints at dark motives on the part of RTC lawyers; he suggests possible wrongdoing on the part of prominent Arkansans; he alludes to serious improprieties committed by Government officials. He deplores the footdragging and delay that he imagines occurring in this investigation.

Quite an impressive set of concerns for somebody who for over 2 years never gave this suddenly grave matter a moment's notice. Quite a transformation from somebody who voted time and again to shield and protect from prosecution the very people he now describes as such nefarious characters.

Again, the Senator voted to prevent and preclude the Government from filing any civil charges whatsoever against anyone involved in the Madison failure. That is a fact. That is irrefutable. The Senator voted to close the door on this matter as many as three times over the past 2 years.

And the Senator must have known the effect of his actions. After all, the great paper from his home State, the New York Times, carried a front page story all about the Madison situation on March 7, 1992. Was there a flurry of speeches or a blizzard of letters from the Senator from New York at that time? Nothing. Here is the way the Senator from New York reacted to this news. He voted 3 weeks later to allow the statute of limitations in the Madison case to expire.

The Senator from New York voted to shield the directors and officers of Madison from all harm—as well as thousands of other S and L executives too numerous to mention.

Since then, the Senator has stepped through the looking glass, and into a whole new world.

Suddenly, the possible expiration of the statute of limitations became important to him—not across the board; not for all the savings and loans who have ripped off billions upon billions upon billions of dollars from the people of this country, but for one thrift: Madison Guaranty, this thrift with \$47 million in losses.

Do not misinterpret me. Do not misunderstand me. It is important to me too because \$47 million is a lot of money, and it is taxpayer money unless we can make someone pay it back. But the Senator from New York is interested only in this one thrift to the exclusion of all others. The record shows that. In fact, his record shows he did not give a hoot about this thrift until a couple of weeks ago.

Remember, some 10 weeks ago he voted to shut down any investigation or prosecution in the Madison matter. When I finish I hope he would explain that vote.

Last week I asked the Senator why he was not worried about the statute expiring at the 1,000 other failed thrifts. Why only Madison Guaranty? Is there a political interest in this? Not a concern for the taxpayers, but just a political interest? Why is he not interested in the possible expiration of the statute at thrifts whose statutes expire on the same day as Madison Guaranty, thrifts like the United Savings and Loan Association of Texas?

I remind the junior Senator from New York that United Savings is certainly worth worrying about. Its failure cost the taxpayers not \$47 million, but \$1.6 billion. That is 35 times more than Madison Guaranty. Its statute of limitations expires on February 28.

I ask the Senator from New York; have you written the Government and asked any—I repeat any—questions about United Savings Association of Texas or about its statute of limitations?

We all know the junior Senator from New York is fond of using props to help make his points during debate on the floor. He brings with him a big calendar showing how many days are left until the Madison statute expires. But if his concern is the taxpayers' money, his big calendar on Madison confuses an important point because the statute on Madison is only one of many which expire at the end of this month.

Let me say to the Senator—and I would like his attention on this—if the Senator wants to extend the statute of limitations on all savings and loans, this Senator will join him, and I think we can pass it unanimously on the



floor of the Senate. I am prepared to join him in that effort.

Mr. D'AMATO. Is that a question?

Mr. METZENBAUM. When I get done. Are you prepared to say yes or no?

Mr. D'AMATO. I am prepared to make a response to your question without dilatory tactics, if that is the question. The Senator once before asked if I would move to extend the statute of limitations with respect to this matter alone, and I said I would not. That was not my intent. If the Senator is asking whether or not I would be willing to support legislation that extends to all of the instances retroactively, I would have to say that in good conscience I could not support that. I do not mean to intrude on your time. If you want, at this time or later, I will explain why.

Mr. METZENBAUM. I appreciate the candor of the Senator's response. But I want to say that I am prepared to join with the Senator from New York to extend the statute of limitations so that all of these savings and loans, officers and directors who took off with the taxpayers' dollars, can be held accountable.

Mr. D'AMATO. I would say to my friend and colleague that possibly if we could work out appropriate language to keep those people whose only liability would be not by their conduct or misconduct, but as a result of their mere presence on the board, some of who afterward were being sued, I would consider that. I think that might be—if we could come up with appropriate language. I will ask our staffs to see if we cannot do that.

I do not know if we can get it done in time. But I will certainly look at that.

Mr. METZENBAUM. I am prepared to extend the statute retroactively to make the same law that is operable at the present time, no limitations, no changes, just extend it retroactively. We have the right under the court's decisions to extend the statute retroactively. I am prepared and will tell my staff to present you with a bill before the afternoon is over to extend it retroactively. If you will join with me, I will go to the majority leader, and I would hope you would go to the minority leader, and I think we can pass that piece of legislation—it would be very simple—yet this afternoon.

Mr. D'AMATO. Let me say to my colleague that I entertain your offer in good faith. And I will be happy to look at it. I have a certain reservation which I have stated previously. I would not want the Madison matter to change because I do not believe that it should be treated any differently than any other.

I tell that to my colleague and I hope you believe that.

Mr. METZENBAUM. I understand treated differently—excuse me. I believe the rules require me to address the Chair.

Mr. D'AMATO. I apologize to the Chair.

Mr. METZENBAUM. I will ask through the Chair whether or not you are talking about some variation in extending the statute or were you willing just to extend the statute, the same statute that is presently in operation, and extend it retroactively so it covers all the savings and loans?

Mr. D'AMATO. I have to review that. But it is certainly something that I will review, and I indicate to my colleague I will look at it. I do have certain reservations. I have stated them before. But we will look at them.

Mr. METZENBAUM. I say to my colleague that we will present the Senator from New York with a draft of such legislation within the hour, before 5 o'clock. I would hope that I could have a response by 6 o'clock. It will not be complicated legislation. We know the deal.

Let me talk about taxpayers dollars and what is involved here as compared to other losses that are being suffered by the RTC.

If we were to compare the loss from United Savings of Texas, which cost 35 times the losses of Madison, we would be taking the calendar such as my colleague from New York has on display over there, and that would be United Savings of Texas. Whereas the amount involved with respect to Madison Guaranty—and this is also a calendar—would be about the size of this card.

So what we are talking about is, do we really want to protect the taxpayers' interest or do we just want to make a political deal out of it with respect to Madison Guaranty? Why does not the Senator from New York have 24 calendars, each calendar representing one of the months since 1992 when Madison Guaranty's statute first expired? Why was not my colleague here in March 1992 and again in April 1992 and again in May 1992 and again in June 1992, and so on—for 2 years counting down the times since the statute expired—trying to get the statute revived?

I have spent untold hours trying to get the statute revived, but I have not had support from the Senator from New York. And when the conference committee met on this subject, I did not have support from him at that point.

The Senator was busy trying to stop this Senator from reviving the statute of limitations, not trying to support it. I hope he has had a change of heart, and maybe will come along by 5 o'clock this afternoon.

But the Senator from New York in the past was too busy trying to stop the Senator from Ohio and many others from reviving the statute in Madison Guaranty, and at all the hundreds of other savings and loans in which it expired. That is why—too busy trying to stop us from going after all of those

savings and loans crooks who made out like bandits with the taxpayers' money.

I want to say on the floor of the Senate some of the names of those who made off with those millions of dollars, prominent political names in this country, and they should have been brought to justice. But they were not. And I do not hear anything from the Senator from New York about them.

I have to wonder if the Senator from New York is so probing in his questions about Madison—knows what Madison Guaranty has in common with Home Federal Savings and Loan of Arkansas, or Colonial Savings and Loan of Kansas, or Home Savings Bank of Anchorage, AK, or San Antonio Savings Bank of Texas, or the Barber County Savings Bank of Medicine Lodge, KS, or La Hacienda Savings Association of San Antonio, or Topeka Savings of Kansas, or Permian Savings and Loan of Texas, or Suburban Savings and Loan of San Antonio? I could go on. There is a whole list of them.

But we slammed the door down and have not permitted the RTC to go after those officers and directors. Instead, we are talking about one savings and loan because the name of the President of the United States has been associated in some way with it.

I believe the laws ought to be equal in this country. I think the laws ought to treat everybody equally, whether the President of the United States or U.S. Senator or somebody who is working at a relief agency in this country. We should not have special laws for special people.

So I say let us extend the statute of limitations. Let us do the right thing for the taxpayers of this country. We come out here every day of the week bleeding and crying for \$1 billion for this program or that program. But we do not have \$1 billion for that program or this program, because we have lost so many dozens and dozens of billions of dollars on failed savings and loans. I have not been able to get any support from the Senator from New York when I try to make it possible for our Government to go after them. I would think that the Senator's inquiring mind might want to know, so I will tell him why we have not been able to follow up on these savings and loans. What they have in common is that they are all savings and loans that failed and whose statute of limitations runs at the end of this month. Furthermore, they are all savings and loans that the Senator from New York voted to shield from investigators and prosecutors at the RTC.

Has the junior Senator from New York written the RTC about the February 28 expiration of the statute of limitations at: Home Federal Savings and Loan; Colonial Savings and Loan of Kansas; Home Savings Bank of Anchorage, San Antonio Savings Bank,

the Barber County Savings Bank of Medicine Lodge, La Hacienda Savings Association of San Antonio, Topeka Savings, Permian Savings and Loan, and Suburban Savings and Loan of San Antonio? I will bet he has not, and I will bet I know why.

Setting aside for a moment the most laughable arguments the Senator makes—that after a 3-year investigation, the RTC suddenly has no time to investigate this matter, and that the clock is ticking on an investigation he voted himself to shut down 2 years ago—the Senator makes other curious statements.

For instance, the Senator from New York says that the RTC has been unwilling to tell him when the statute of limitations on Madison Guaranty Savings expires. Well, a first-year law student could tell him when the statute expires. Take a look at the statute. It will tell you when. It expires 5 years after the RTC took over the savings and loan. You do not need to be a great lawyer or a jurist. You just have to read English. That is what it says—5 years after Madison Guaranty was taken over it expires. It is very simple, elementary English language. But the Senator from New York—that does not get him any publicity. He would rather write a letter and get 39 other Senators to join him in asking when does the statute expire. I will tell him. He is an able lawyer. He can look at the statute and say: Why did I write this letter? I already know when it expires. All I have to do is find out when they took it over. That is a simple, elementary question, and we know it is 5 years from then. You do not have to ask the RTC to learn. It is written in the United States Code in plain language.

Why is the Senator from New York so much insisting that the RTC tell him when it would run? It indeed strikes me as odd. The Senator from New York has come to the floor for a week to tell the Senate of his frustration because the RTC is not reacting as he thinks it should. The junior Senator from New York tells us that he has been asking the RTC since he first wrote them on January 11 to tell him "when the statute of limitations expires in civil actions against Madison." I say to him very simply, it expires 5 years after the RTC took it over. It is as plain as black and white on paper.

If we want to do something about it, let us go back and extend the statute on all these savings and loans. I want to tell you, I have put so much time and effort into trying to get this statute extended retroactively to take care of these people, to see to it they do not get away with billions of dollars of the taxpayers' money, and I have not had any success, not only from the Senator from New York but any insistence from any other Member on the other side of the aisle.

The Senator from New York has told us repeatedly that the RTC has not

been willing to give him an answer to the question as to when it expires. Let me read from this junior Senator's remarks in the Senate last Friday, January 28:

We have on two previous occasions, January 11 and January 25, requested that the RTC—that is the body responsible for any civil investigation—tell us when the statute of limitations expires on civil actions against Madison, and we have received nothing but shocking delays."

I must admit I was puzzled. Why did the Senator need so desperately to have a response to that question from the RTC?

I read his January 11 letter, and I think I found the answer. He did not need an answer. The junior Senator from New York never asked the RTC to tell him when the statute of limitations expires in that original letter. He never asked them that question. It just was not there. In fact, I do not see it anywhere in the letter. Let me repeat. I do not see anywhere in the January 11 letter of the junior Senator from New York any request that the RTC respond with the date that the statute of limitations runs; although I am frank to say the question was not asked, but even if it had been asked, the answer is obvious: It expires 5 years from the date they took over Madison. In the January 25 letter, in all fairness, he does request that so-called urgent information, but it took him a couple weeks to decide this information was so urgent and important to him. It seems maybe the Senator is making this up as he rolls along, and maybe he is trying to create some issues where there are none because they might have better publicity value.

The Senator from New York attempts to defend his inconsistencies by stating that he has not changed his position, that he is not seeking a further extension of the statute in the Madison case. I would accept that statement if he would also acknowledge that if he had his way, he would not be able to say word one about Madison today. If the Senator from New York had his way, he would not be able to say a word—anything—about the Madison situation today, because he was one of those Senators who voted against the very measure which provided for the extension of the Madison statute to this February 28. I want to repeat that. If the Senator from New York had had his way, we never would have been able to extend the statute even to February 28. He did not have his way, and I am proud to say we prevailed.

Taking it further, he should also thank the President of the United States for saving the Senator from New York from himself, for it was President Clinton's pen which revived this statute when he signed the RTC funding bill on December 17. That bill contained the extension that now would run out on February 28, contained the

extension that the Senator from Ohio had put into the bill—without the support and help of my colleague from New York.

The Senator says he does not support an extension of the statute of limitations, that he simply wants action in the matter within the time remaining. He is now saying maybe he will join with me for an extension. I am not too hopeful or too optimistic, but I must say it would please me to no end if we could pass an extension yet this afternoon.

He raises the possibility of a tolling agreement in the Madison case, which would have the effect of extending the statute of limitations in just one case—not in any of the other cases that the RTC has a right to bring—just one case does he want to toll the statute. Is there a political reason? Is that because the Senator from New York knows that the President's name has been mentioned in connection with the Madison case? I do not think that is the way we ought to make laws. I think we ought to make laws that are applicable to Presidents, Governors, Senators, and to all of the people of this country, not just to some people.

I would restate my views of what is going on here if it were not so blatantly obvious. The Senator from New York and others are attempting to thwart a President who is making progress on the issues that got him elected—the economy, the budget deficit, health care, crime, welfare reform, gun control, and the list goes on and on.

I respect the Members from the other side of the aisle who come to this floor to do battle on those issues, and to speak their beliefs and vote their consciences, even when in defiance of the President. But I cannot stand by and abide the shrill cry of a Member who refuses to either stand by or acknowledge his own record on a matter, who has contributed, if not created, the very situation he claims to shockingly deplore, and who willfully ignores the facts that undermine every shred of his argument.

I want to repeat this again. It is 4:20. Before 5 o'clock, the Senator from New York will receive from this Senator a proposed piece of legislation to extend the statute of limitations retroactively with respect to all the failed savings and loans, to make it possible for this Government to proceed not against only the officers and directors of Madison Guaranty, but in favor of recovering the billions of dollars that others have not been sued for when maybe they should have been sued for them. I have criticized the RTC when it has failed to act, and I have no reservations in saying again that when the RTC does not act, they are to be criticized. But the fact is, I want all the officers and directors of failed savings and loans, who are guilty of some con-



duct that violates the law, who would make it possible to recover the dollars, to be held liable in court and not to have the defense of the statute of limitations.

Mr. President, I yield the floor.

Mr. D'AMATO. Mr. President, I ever heard my votes described, and I have not said anything to this date. They have been mischaracterized by the Senator from Ohio, misrepresented, and in two instances, they were absolutely wrong. This Senator voted on two occasions to extend the statute of limitations. Al Smith said it best: "Let us look at the Record."

On September 8, 1992, I voted in favor of passing the Wirth amendment to extend the statute. That is the record.

On September 25, I voted against tabling that same amendment. They were the only two votes on the Senate floor in 1992 directly on this issue. You can twist and turn, and that is exactly what we have had taking place today. I resent it, and it is wrong. ALFONSE in wonderland? Well, I have to tell you something. I do not go around pretending, and not in a sanctimonious way. I say "pretend." We have the great pretender from Ohio now who can say what my record is, and it is not there, not supported by the actual record. Great pretense. I take exception to it. Let us talk about the one instance in which I voted against, an extension, and that was on May 13, 1993.

We received a letter from Mr. Altman of the RTC. He said, "We want a clean bill. Do not add anything to this bill."

Let me read to you what he said. "The RTC no longer supports extending the statute of limitations." I did not say that. This is Mr. Altman. This was the administration.

Nevertheless—and I will read the RECORD and it is here, in the CONGRESSIONAL RECORD, May 13, 1993. Let us not distort what I said and what my intent and motivations were.

But let me tell you that in the debate that we had on the floor between the Senator from Ohio and myself, I said, "I mean, the letter is very clear. Mr. Altman does not support this. And the letter from the Deputy Secretary of the Treasury was clearly opposed and is not asking for this extension."

But then I went on to say to my colleague from Ohio, the author of the legislation seeking the broad-based extension that you would have many people who were not accused of wrongdoing, but who were merely directors on the board, who would be sued. That is wrong. That is not right. That is not what we are about. We are about wrongdoers, intentional wrongdoing. Get them.

That is what I meant today in my colloquy with the Senator from Ohio. I said, "Mr. Altman does not support this."

I asked the author of this legislation if we could limit it to the egregious in-

stances, to fraud. Let us limit it. Let us go after real wrongdoers.

Now, look, I think that is pretty clear. By the way, the conference adopted my position. The Senate did not, but the conference, as a matter of fact, eventually adopted a provision which I would have supported on this floor but the Senator from Ohio would not. But the House of Representatives held to a position which I could easily support, and which I did support and which I offered, but which was not undertaken because the Senator had the votes and he wanted it his way.

What did the House-Senate conference say? Essentially it adopted my proposal and extended the statute of limitations from 3 to 5 years for fraud and other intentional misconduct.

Now, that was this Senator's proposal. I think it was right. That was my intent. On two other occasions I voted to extend the statute of limitations. And I think that my vote and the RECORD, not the RECORD as interpreted by somebody else, but the RECORD verbatim here, the transcript, supports this Senator's position that, yes, I was willing to go along. And, indeed, the conference did, and I supported the conference as it relates to intentional wrongdoing.

Now, what are we talking about as it relates to Madison? All we are saying to the RTC is, let us know if you really are applying those standard procedures that you wrote about.

I wonder why people are so sensitive to that. If my colleague from Ohio or any other State comes to me as a member of the Banking Committee and says, "Listen, there is a thrift"—and I am not aware of all the thrifts that have been closed or what may or may not be appropriate action being taken by the RTC—"and we would like to ascertain if they are seeking out wrongdoers; we have reason to believe that maybe they are not getting the kind of attention that they should," I would be happy to help anyone in requesting the RTC to give us a status report. But that would be a real status report; to ascertain that the RTC is on the job and carrying out its responsibilities.

So, if there is some question that my friend has as it relates to an institution I have not heard of—United Savings of Texas that lost \$1.4 billion—I assure you I am very willing to join him or anyone else in asking: Are there tolling agreements? Are you going after those people who have potential liability? Are we seeking out wrongdoers? Are we seeing to it that we are doing all we can to protect the taxpayers?

That is all I am asking for here.

So, if there is a genuine, bona fide concern that the RTC may or may not be doing what it should be doing in other matters, I would be happy to join with my colleagues, as the ranking member of the Banking Committee, in

asking those appropriate questions. That certainly would not be outside of the scope of what I should be doing, and it is not out of the scope even if it makes people uncomfortable to find out and get an answer.

Mr. Altman and the RTC are simply being unresponsive.

Give us what we have asked for—an answer.

So to come down and be attacked on the floor, as I have, to have my record misconstrued, as it has been, is absolutely wrong, and it is not going to keep me quiet.

I say again that the statute of limitations is ticking. We are entitled to some answers. Forty Senators signed a letter saying, tell us what, if anything, you are doing in this case. We have a right to know.

As a matter of fact, as it relates to any other institution, I would join my colleagues if they came and said, "By the way, we have reason to believe that there is potential liability or claim for millions of dollars that should be collected."

Now, not every one of these institutions, by the way, lost their money or went out of business, notwithstanding that they may have lost large sums of money because of intentional wrongdoing, because of greed, because of avarice, because of some corrupt act. Some lost billions because of the market collapse, the real estate market, the oil market. They may not have been run in the most prudent manner, but that does not give us cause to start litigation against everyone in every one of these cases. There may be some cases where the RTC is absolutely correct in saying, "Look, we have no actionable claims."

We should not just be suing because some bank closed, whether it is Whitewater or any other bank. If they find out there was no potential liability there, potential wrongdoing, fine. But tell us. Tell us.

Again, Sergeant Joe Friday said it best: "All I want is the facts, ma'am." That is all this Senator wants.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

THE PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I will just take one moment. I guess I need to ask unanimous consent for about 5 minutes.

THE PRESIDING OFFICER. The Senator may proceed for up to 10 minutes in morning business.

Mr. METZENBAUM. Mr. President, I want to be clear as to what the record of the Senator from New York in this area is.

Back in March 1992, we had an amendment to extend the statute of limitations. And the Senator from New York voted wrong—March 1992, he voted wrong.

Now, the Senator from New York was up for election in November 1992. And by that time he had been converted. At that time he voted right, to extend the statute of limitations.

Then in September 1992 in a second vote on a question of extending the statute of limitations, the Senator from New York, again prior to the election, voted right.

Then, he was elected and after that, in May 1993, the issue again returned to the floor and, surprise of surprises, this time the Senator voted wrong. He voted and refused to extend the statute of limitations.

So I think maybe I have a chance of getting him to join me. Because in two of those occasions he voted the right way, two he did not. I have a chance of getting him to join me in extending the statute of limitations even at this late date. And as I previously said, I will have a draft of a bill to him very shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, we have other colleagues here whom I know are seeking the floor to speak on other matters, health matters, budget issues. But let me simply point out it is quite clear when I voted in March 1992, that was a debate on the RTC funding to strip out all provisions except for simple funding—all provisions. I voted for that amendment because I thought it would be the easiest way to get the bill through.

But to attempt to characterize my vote as a vote against extension of the statute of limitations is simply misleading. Let me refer to the RECORD.

Last year—and we can look at the CONGRESSIONAL RECORD of May 13, 1993—when the RTC funding bill came up again, the Senator from Ohio came to the floor and he announced—and I quote him: that he would offer his amendment to extend the statute of limitations from 3 to 5 years.

He stated at that time that the amendment passed the Senate twice before, and that the managers—and the managers of the bill were Senator RIEGLE and myself—voted for it.

So he really understands and knows when the issue of extension has come up, I have voted for it.

When the Senator proposed his broad-based extension, again—and the RECORD shows it very clearly—I said let us extend it, or attempt to work out language that will extend it for egregious cases. If one reads the RECORD, it is there. It is clear—for fraud, for intentional wrongdoing.

Mr. President, the fact of the matter is that the House and Senate conference adopted exactly that language.

Now my friend talks about extending the statute of limitations further. I would say, to do it for any one, particular institution, would be wrong.

Would I consider extending the statute of limitations as it relates to wrongdoing, intentional, et cetera? For all institutions? The answer is yes.

So I would take his offer, if it is done in the manner in which we have previously acted, but not to also place people who, through no fault of their own other than they were on the bank board, to place them in harm's way, when there was not intentional misconduct.

Intentional wrongdoing? Certainly, I could extend the statute of limitations. Fraud? Certainly, I could—I vote to extend the statute of limitations. And, indeed, I may attempt to do so and we will see if my colleagues would like to see that done without singling out anyone to be treated differently.

I certainly do not think the people at Whitewater should be treated any differently than anyone else. Nor should they get special treatment. And that is what we are attempting to ascertain.

I thank my colleagues for their patience, and I yield the floor.

#### CBO HEALTH REFORM REPORT

Mr. DOLE. Mr. President, I want to take just a moment to talk about the CBO report today from the Congressional Budget Office. I know my colleague from New Mexico has analyzed it very carefully.

I congratulate the CBO Director, Mr. Reischauer, because I think they did put together a very objective and an comprehensive analysis under very difficult circumstances.

Make no mistake about it. The Congressional Budget Office report today confirms what many of us have been saying all over the country for the past several months and a lot of people have suspected, Democrats and Republicans: The Clinton health care plan calls for multi-billion-dollar doses of deficit spending and Government control. And that is a fact, at least a fact according to CBO.

I think what the CBO report really does is say you have to start down this road very carefully. You cannot just say, "Oh, these are the numbers. We have had it checked by all the outside experts. This is it."

I am not certain whether these numbers are accurate, even. Neither is the Senator from New Mexico. And I doubt if Mr. Reischauer would take a pledge that these numbers are totally accurate.

The one thing we have to insist on in the health care debate, as we start voting on health care, is that we get it right, because around this place in a major piece of legislation, if you do not get it right, it may take 20 years to correct it. I think we have to take a look at all the other plans and give them the same scrutiny the Clinton health care plan has received.

I think it was particularly significant that when the President talked

about health care last year in a joint session of Congress, he said we ought to take the CBO numbers. He has made the Congressional Budget Office his official budget scorekeeper. In my view, that is one reason their analysis is so important.

We have had a lot of glossing over, a lot of smoke and mirrors in health care: "Oh, it is going to save all kinds of money."

The President also glossed over the fact that the central component of his health care reform financing plan—\$1.4 trillion in mandated health care premiums paid by employers to Government-controlled alliances—is essentially a tax on employers. And that is what we have been saying. It is a tax. When the Government, by law, forces you to do something or to pay something, to pay some money, that is a tax. And, of course, the President tried to hide all this by moving it off budget. He would not have to face up to it.

Now, CBO says you have to put the whole plan on budget and that new benefits in the budget plan constitute a massive new \$1.4 trillion entitlement program—another entitlement program by a President who said we ought to take a look at entitlement programs before they get out of hand.

The CBO does not call it taxes, but they say the mandated receipts are, "receipts to the Federal Government."

I guess you could have asset sales, that would be a receipt to the Federal Government. But most people think of receipts to the Federal Government as taxes, tax receipts. So we have this new tax. We passed a \$262 billion tax increase last year. It just seems to me the final point would be, as the President says in his budget, if we adopt his health care plan we are going to save roughly \$60 billion over 6 years. And one day later—we get the budget on Monday, on Tuesday we get the CBO report and they say we are going to add to the deficit, \$70 billion. Who knows whether that is right? It could be \$700 billion? Who knows? It could be \$60, \$70, \$100-and-something billion, but you take the \$60 billion savings and \$70 billion increase, that is a swing of \$130 billion.

So it seems to me the Congressional Budget Office has done the right thing, the only thing they could do, and they performed a service.

Finally, I would say I am not advocating we do not do anything. This does not mean we ought to preserve the status quo. This does not mean we ought to not do anything in health care. It means we ought to take a look, take a hard look, and have long, long, serious hearings and debate around here before we just buy a pig in a poke, any pig in a poke, whether it is the President's plan or anybody else's plan, Republican or Democrat. We want health care reform. There are very serious problems in America in health



care. But we want to make certain when we address this issue that we do it the right way.

Because, again, the bottom line is, if we do not do it the right way, many Americans all over America are going to suffer the consequences. It will take us years to fix it. I guess we just have to look before we leap.

I think today, with the CBO analysis as discussed by the distinguished Senator from New Mexico earlier, it pretty much blends into a piece that appeared in last week's Washington Post. In fact, it was January 30. It happened to be a piece by the Senator from New Mexico [Mr. DOMENICI], "How Can the Administration Leave the Health Care Plan Off the Budget?" I think Mr. Reischauer must have read this piece in the Washington Post. I am happy he read it and I am happy with the report. But as I said before, I am not just talking about the President's plan. All plans ought to have the same scrutiny—every plan. My plan—I do not have a plan—if I had a plan, anybody else's plan.

I thank the Senator from New Mexico and thank my colleague from Ohio for yielding.

I ask unanimous consent to have Senator DOMENICI's op-ed piece printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 30, 1994]

THE BIG BUDGET LIE—HOW CAN THE ADMINISTRATION LEAVE THE HEALTH CARE PLAN OFF THE BUDGET?

(By Pete V. Domenici)

On Feb. 7, President Clinton is scheduled to submit his first real budget. What is in that budget will be, in one important way, less interesting than what is left out: the full budget impact of the president's sweeping proposals for reforming the country's health care system.

How the health care plan is reflected in the federal budget is more than an academic question. The administration's insistence that the plan's mandated premiums and benefits not be displayed as federal taxes and spending is ample testimony to the large political and practical consequences.

Excluding the reforms from the budget will not only obscure the health care debate for the American people, it will also establish a dangerous precedent: the enactment of major new federal programs with no apparent impact on taxes, spending or the debt. Indeed, the decision could determine whether the federal budget continues to be a meaningful document at all.

Governing and budgeting are inextricably linked. A budget determines how much of the private economy will be extracted for funding public purposes, and how those funds will be allocated among many competing objectives. It is not only a policy document, but a historical record book documenting the successes or failures in achieving the hopes and dreams that it embodies. As the president stressed in his State of the Union message, his health reform plan would be a signal change in American social policy. Excluding it from the budget process would be an extraordinary violation of well-established

budget principles that have served both Democratic and Republican presidents and congresses over the years.

The first principle is that the budget should be comprehensive, including all federal fiscal activities. This principle, referred to as the unified federal budget, was established and affirmed with President Johnson's Commission on Budget Concepts in 1967.

Even in 1985 and 1989, when the Social Security trust funds and the Postal Service program were moved "off-budget" to avoid their calculation in the Gramm-Rudman sequester process, the federal budget presentation showed their receipts and payments in aggregate budget figures. That accounting practice continues to this day.

By this measure, there can be no question that the Clinton health care plan is a federal program and so should be part of the unified budget.

All the essential ingredients of the president's plan would be established by federal statute. The roles, responsibilities and characteristics of the regional health alliances that administer the program would be determined by the federal government. Universal health coverage would be compelled by the federal government. By federal law, every legal resident of the United States would be required to participate in the program. The program would go into effect in every state even without the state's consent.

A new National Health Board would be created to oversee and regulate the entire system. It would establish requirements for state plans and approve state health plans. It would establish a "national budget for health care spending." The National Health Board would issue federal regulations governing benefits, procedures, reimbursements and cost-sharing requirements for qualified health plans, among other things.

If this isn't a federal spending program, what is?

And yet, the Clinton administration proposes to exclude from the federal budget roughly \$1.4 trillion in health care spending over the next five years (as estimated by a recent Lewin-VHI study) that would be subject to federal control. Over \$100 billion of this spending would be from firms that do not now insure their workers. When expenditures of this magnitude are excluded, how seriously will anyone take federal budget controls in the future?

The second well-established principle of federal budgeting, again from President Johnson's commission, is that collections arising from the sovereign power of the government, involving regulations or compulsion, should be reported as receipts.

The Clinton health care plan would require the regional health alliances to administer the collection of compulsory social insurance premiums and use those proceeds to finance the purchase of medical care. Employer payments are compulsory; no one can choose not to participate. The employer's payment to the regional alliance is determined by a formula based on the "class of family enrollment" in the firm. A limit would be set on the employer's premium payments not to exceed 7.9 percent of total wages. The alliances would also be given the authority to borrow money from the Treasury, should benefits and receipts not match at certain times. (The image of "private" savings and loan associations with federal guarantees haunts my budgetary memory!) But none of these transactions would be reflected on the federal books, presumably on the argument that the alliances are "not federal entities."

It is true that most employers currently provide health insurance to their employees and, if the plan works as the administration hopes, they will save somewhat less than \$1 billion as a group over the next five years. But even if those savings are realized on average, the companies and their employees will lose the control over costs and benefit choices that they now have under current private employer-employee voluntary agreements or independently negotiated business-labor contracts. Except for very large firms, and then with some limitations, responsibility for determining benefits and monitoring costs and quality, would be transferred to the health alliances.

As for employers who do not now provide health insurance to their workers, they would have to make payments of more than \$100 billion over the next five years to these "non-federal alliances." Those employers will not be persuaded that these are not new federal payroll taxes—nor should the public be.

The basic tenet underlying the budgetary principles that the administration's health plan would violate is that unless the budget includes all sources of federal revenues and all types of federally controlled spending—and any gap between the two—there is no way of measuring the overall impact of federal activity on the economy. For that reason, when the Social Security and unemployment programs were created in 1935, the mandatory employer and employee "contributions" that financed them were correctly counted as federal receipts. Thus, the budget identifies for all who want to know how much the federal government is extracting from the economy and allocating to those two major social programs.

More recently, Congress bailed out health benefit funds for certain coal miners in part by mandating that coal companies pay premiums to two new privately managed funds. Although the mechanism employed was defined as a private, multi-employer benefit plan, because this is actually a federal program compelled by the government's sovereign power it is included in the federal budget. President Clinton's health care financing mechanism is virtually identical. The fact that employer premiums flow to a regional health alliance and not the U.S. Treasury is no justification for removing them from the federal books.

As a very simple practical matter, imagine what would happen if the Clinton health care plan were "off-budget." Congress could raise the 7.9 percent cap on the employer payroll tax and never show it as a tax increase—in fact, it would be recorded as a spending cut because it would reduce the "on-budget" federal subsidy payments to the alliances. Further, Congress could include new health benefits in the mandated standard insurance plan and those new costs would be excluded from the budget. Private resources extracted for public purposes need to be accounted! If that principle is violated, even for the politically popular objective of reforming the nation's health care system, the costs will not only be measured in dollars but in the ability to govern effectively.

#### CONGRATULATING DR. REISCHAUER

Mr. DOMENICI. Mr. President, I will not be long. I see other Senators might want to be recognized.

I rise today, I say to the Senate and my fellow Senators, to congratulate a

very, very courageous employee of the U.S. Government, the Director of the Congressional Budget Office, Dr. Reischauer. Frankly, he has been under enormous pressure on the issue of whether the President's health care plan created a very large Government operation, a new large Government program, fueled by taxes, spent by an instrumentality of the Government, or not. For that, indeed, was the issue.

The issue is whether saying to the employers of America: You will pay, from payroll of your employees, somewhere between 3.5 and 7.9 percent, depending upon what the regional alliances say you owe. However, you will all get the same coverage. Clearly indicating we are using money from different employers differently: Some to buy theirs, some to pay for part of others, and run all the money through an alliance which is a total creature of the Federal Government, which does not exist today, which will grow up in the sovereign States like mushrooms and all of a sudden these very large instrumentalities of the Government—agencies, bureaucracies—will be running the health care system.

Frankly, that was the issue, although today it is couched in whether or not the planned dates provided for in the President's program on employers to pay a portion of payroll to a regional alliance, whether that was a receipt to the Government or a premium for insurance.

For those who try to play on the word "receipt" and say that receipt is not a tax, let me suggest they look at the budget. We call taxes receipts to the Government. So he was using the exact correct parlance of the budget in saying it is a receipt to the Government, all of it, every penny of it. And that is a very large new federally run program.

That is the conclusion that the CBO came to in reading the President's proposals. That is \$1.4 trillion, that will be mandated, much of which is now voluntary—some is paid in different ways, some by different kinds of insurance—but that \$1.4 trillion will be under the control of what they choose to call the sovereign Government of the United States.

Frankly, I am only going to quote one paragraph:

CBO concludes that the plan would establish both a Federal entitlement to health benefits and a system of mandatory payments to finance those benefits and represents an exercise of sovereign power. Therefore CBO believes that the financial transactions of the health alliances should be included in the Federal Government's accounts and the premiums should be shown as Government receipts rather than as offsets to spending.

I repeat what the Republican leader said. I rise to state this because I thought it all along. I argued it. I urged it. I told those representing the White House this is how it ought to be

treated, not because I do not want a health care reform program—I do. This just points out there has to be a better way than having the U.S. Government essentially operate a new program of this size through regional alliances which we create but somehow or another we would like to call "not government."

Lastly, again, not by way of saying that I have all the answers, because I think every program should be looked at, everyone's proposals. But essentially I have been saying since the very inception of the President's first budget, that if you do not get health care under control, the deficit goes back through the roof. As a matter of fact, the President has been saying it. In fact, recently he said if you do not get health care costs under control, you cannot get the deficit under control.

I had difficulty understanding that, Mr. President, because I did not understand how getting health care under control, costwise, turning around and spending under four new programs, which are now called entitlements, which I perceive would cost more than we could ever save, I did not understand how we could have deficit reduction.

I still do not, and I am here to tell you I did not when the President released his budget yesterday. I did not when he spoke in Houston yesterday, but what I could say is it cannot be.

But now the CBO says by the year 2000 you will spend more under the new health care program, the new entitlements, the three that are going to be in there, plus the subsidy to take care of the uninsured for universal coverage, you will pay more than you will save if you get Medicare and Medicaid under control and more than the taxes you are going to get from the new add-on to cigarettes.

I am not here saying we cannot put a program together. Not at all. I am merely suggesting we just got out of the frying pan and are getting the deficit under control. The biggest thing we keep finding out is that we do not know how to estimate the cost of health care programs that the Government sponsors and delivers and manages and does the books for—Medicare and Medicaid. I am not sure we know how to keep the four new ones under control that are in the President's budget.

So I was vindicated at least to the extent that CBO says you will not save any money, you will spend \$77 billion more, not save \$59 billion. So I think there is a \$133 billion or \$135 billion error in the estimating. I repeat what our Republican leader said, that may be too low.

So I think we ought to walk into this rather than have a new entitlement commission, that our friend standing on the floor is going to cochair, saying how do we get entitlements under con-

trol. I do not expect him to respond at this point. He wants to speak on something else, perhaps, but he is saying unless we get some entitlements under control, he is willing to say let us meet and do it.

Now we have CBO saying the new entitlements under the President's suggested health care bill will, of themselves, add \$70 billion to the deficit over the next 5 years. I repeat, I think those numbers are all too low. The President's first one, CBO's second one, and I am not all sure we know how to save that money in Medicare and Medicaid which we must save first in order to pay for these programs.

I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. STEVENS. Mr. President, will the Senator yield for 30 seconds?

During my short hospital stay several issues of importance to Alaska came up in relation to the Education 2000 bill. First, I'd like to thank the distinguished managers of the bill, Senator KENNEDY and Senator KASSEBAUM, for offering an amendment on my behalf authorizing Alaska Natives to participate in education reform efforts.

At my request, Senators HARKIN and SPECTER included \$200,000 for that purpose in the fiscal year 1994 Labor/Health appropriations bill. However, I was informed earlier this month that the Department of Education would not spend the money because it did not believe it had the authority. This amendment grants that legal authority.

Under the original version of the Education 2000 bill, only Indians from the lower 48 States were eligible for grant moneys under the Indian set-aside. The amendment the managers offered will now treat Alaska Eskimos, Indians, and Aleuts on the same basis as Indians in the lower 48.

Last Thursday Senator HELMS offered an amendment which was later modified to guarantee the right of schoolchildren to pray in school if they so choose—a right protected under the first amendment of the Constitution.

Many of the problems we face in this country—domestic violence, drug abuse, crack babies, random shootings, child abuse—are a result of the decay in the moral fabric of our families and communities.

Not penalizing schools which allow children to pray is a small but important first step in addressing these problems. Letting children pray will help reduce violence in our society more than any gun control or antipoverty program could ever do.

Mr. President, I ask unanimous consent that I be added as a cosponsor to Senator HELMS' amendment.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.



## GOALS 2000

Mr. KERREY. Mr. President, I would like to respond and will respond to the Republican leader and to the distinguished Senator from New Mexico, but before I do, I will just indicate that I do intend, after a considerable amount of deliberation on the subject, to vote for the Goals 2000 proposal of the President. I have some significant reservations but I spoke to a number of the co-sponsors of the legislation and I spoke with Secretary Riley.

Mr. President, I ask unanimous consent to print a letter in the RECORD from the Governor of the State of Nebraska in support of Goals 2000.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEBRASKA,  
EXECUTIVE SUITE,  
Lincoln, NE, January 8, 1994.

Hon. J. ROBERT KERREY,

U.S. Senate, Hart Office Building, Washington, DC.

DEAR BOB: The reservations you shared with me recently concerning S. 1150, the Goals 2000/Educate America Act, prompted me to double-check the substance and trust of this major piece of legislation.

The language clearly states that nothing in the legislation can be interpreted by "any federal official to mandate, direct, or control the curriculum or program of a state, local education agency [school district], or school, or the allocation of State and local resources." It also provides financial support for systemic school reform, a new form of assistance that has been missing from the federal array of narrow and mostly top-down categorical federal education programs. Furthermore, the act provides for waivers from existing federal regulations if such waivers are needed for advancing local reform efforts. Finally, it assigns coordination and oversight responsibilities for national policy to an intergovernmental body dominated by elected state officials (the National Education Goals Panel, which I had the privilege of chairing) and an independent standards certification body (the National Standards and Improvement Council), not to the federal executive or legislative bureaucracies.

We Governors are champions of America's unique system of locally-governed public schools. We have worked hard every step of the way to ensure that this legislation provides an energetic and yet appropriate national and federal framework to support state and local education improvement efforts. Given the size and scope of the educational challenge facing the U.S. in this fast-paced and tension-filled global economy, and given the fact that states and schools in Nebraska and across this great nation are already actively engaged in significant reform, it is incumbent on the nation as a whole to join in the process of challenging and assisting all young learners to higher levels of achievement.

In striking new postures for this nation and its federal government, the Educate America act clearly raises questions about the balance between local control and initiative, on the one hand, and federal powers on the other. Governors from both parties have concluded that this legislation, while not perfect, is appropriate and workable. We are committed to overseeing its implementation and will be quick to call for corrective action if such proves necessary. I welcome your

support and assistance in establishing this new national thrust and in furthering an effective partnership at all levels to make all young Americans world-class learners.

Sincerely,

E. BENJAMIN NELSON,  
Governor.

Mr. KERREY. Mr. President, all the concerns that I had for a heavy-handed approach from the Federal Government have been resolved, I must say. I appreciate very much the Labor Committee's hard work on this, and the administration's hard work on this. I remain concerned about some of the aspects of the legislation but, in general, it seems to me it does provide a very good framework for us to reform education from the ground up.

I make it clear, Mr. President, those who, like myself and others, the distinguished Senator from Massachusetts, have pushed this legislation because it requires we set higher standards, make it clear that we as individuals, as parents in particular, but we as individuals, as citizens, are going to have to work harder. Our standards will not be achieved simply as a consequence of enactment of legislation. After discussing this with the sponsors and with the Secretary and the Governor of the State of Nebraska, I come to the conclusion of believing this will indeed give us a framework for doing real grassroots groundwork support and reform of education.

#### TOP 10 IRRELEVANT ARGUMENTS IN THE HEALTH CARE DEBATE

Mr. KERREY. Mr. President, I would like to respond to some statements made earlier by the distinguished Republican leader and the distinguished senior Senator from New Mexico. They commended the courage of Robert Reischauer, the head of the Congressional Budget Office.

As the health care debate heats up during the next several months, we need to be honest with the American people. I have heard several arguments lately that I believe are misleading and do not contribute to an honest debate on health care. The arguments are irrelevant and do not begin to solve the health care problems facing our country. I have collected these into a top 10 list of irrelevant health care arguments.

##### 1. IS THERE A HEALTH CARE CRISIS?

Whether or not there is a health care crisis is irrelevant. We do not wait until the majority of Americans suffer a crisis to act. If a constituent notifies me of a problem, I act on their behalf. For example, the mayor of Hastings informed me of a problem with an overly strict interpretation of an environmental regulation. I did not respond that I could not help him until a majority of cities face the same problem. For the city of Hastings, there is a crisis now. I have heard from many Ne-

braskans about health care problems. For them, there is a crisis. It does not matter to them whether there is a nationwide crisis. They need help now.

##### 2. I AM FOR/AGAINST MANDATES TO PAY FOR HEALTH CARE

This argument is also irrelevant. We already have mandates in place to pay for health care today. The idea that the American people are reading op-ed pieces either for or against mandates when I have imposed 3 percent mandate on wages now is an indication of how politicians have been misleading the public. This mandate is called the part A FICA Medicare tax. Individuals and employers each pay 1.45 percent of payroll to finance health care.

##### 3. I AM AGAINST NATIONAL HEALTH INSURANCE

We currently have national health insurance. And there is a payroll tax used to fund it as discussed in No. 2 above. We call it Medicare, but it is national health insurance. You have to be 65 years of age to qualify. Understand, I am not advocating extending Medicare for everyone, but for politicians to stand up and say they are against national health insurance, while supporting Medicare, is a very misleading argument. It makes it difficult for us to reach the correct solution to the health care problem.

##### 4. I AM AGAINST USING BROAD-BASED TAXES FOR HEALTH CARE

Although the authors of virtually all the health reform plans, including President Clinton, have proclaimed their opposition to using broad-based taxes to pay for health care. The fact is we are already using broad-based taxes to pay for health care. We need to tell Americans, fully 30 percent of your income taxes are being used to finance Federal health care spending. Not only are individual income taxes being used, but corporate income tax, payroll taxes, and property taxes finance health care today. By stating that we don't want to use broad-based taxes to pay for health care, we are avoiding a very important question, How are we going to pay the bills?

##### 5. I DO NOT PAY FOR HEALTH CARE TODAY

Many individuals and companies believe that they do not pay for health care today simply because they do not purchase insurance. In reality, as I already discussed, because a great amount of tax dollars are used to pay for health care, everyone is paying for health care today. We need to have an honest discussion on how we should be paying for health care so that everyone understands how much and in what manner they are paying.

##### 6. I AM AGAINST A GOVERNMENT TAKEOVER OF HEALTH CARE

As is made clear by argument No. 4, there is already substantial Government involvement in health care. The Government pays \$450 billion out of the \$700 billion of non-out-of-pocket health care expenditures in the United States

in 1993. The question we should be debating is, What is the proper role for the Government? That is the question we need to address.

**7. UNINSURED AMERICANS ARE CAUSING THE HEALTH CARE PROBLEM**

We should not be focusing on the problem of the uninsured—the problem is that health care costs have risen to a point where you have to be insured for routine health services. The best example for me is that in 1974 and in 1976 when my children were born, I paid for the costs out-of-pocket. I did not have to be insured to have a baby. It now costs \$6,500 for a 2-day normal delivery of a baby in Nebraska. The median family income in Nebraska is \$18,000 per year—therefore it is a financial catastrophe to have a baby in Nebraska without health insurance. The problem is that the cost of health care has grown to a point where people of average means live in constant terror that they will have to encounter the health system. It is not just preexisting conditions, it is not just the lack of portability, it is the overall costs of health care have become extreme.

**8. REFORMING THE HEALTH CARE SYSTEM WILL CAUSE RATIONING**

There is already rationing in today's health care system. The hardest thing we have to deal with in health care is that at some point we ration care. There are very few Americans that can afford the \$175,000 that it costs, on average, to receive a bone marrow transplant for breast cancer. I heard earlier this week from clinical researchers and oncologists that rationing already exists when it comes to patients receiving the newest treatments. Both patients and insurers have to face the reality that certain procedures and treatments are very expensive and cannot be given to everyone. What we need to debate is how to set up a system where the resources are allocated in the fairest, most humane way.

**9. I SUPPORT A PURE COMPETITIVE HEALTH CARE MARKET**

Many today argue that the country's health care problems can be solved solely through the market. However, there have been so many interventions that there is no longer a competitive health care market. For example, there are licensing restrictions that limit the number and types of providers. Patent laws protect new drugs. The tax system subsidizes the purchase of health insurance and many health care industries are tax exempt. Although using the market can help us solve the current health care problems, we need to look more deeply at current practices that hinder competition.

**10. ISSUING A HEALTH CARE CARD WILL GUARANTEE HIGH QUALITY CARE FOR EVERYONE**

I support simplified eligibility for health care, however, simply issuing a card will not guarantee high quality care. The ability to receive high quality care is tied to ability to generate

wealth, both individually and as a country. We all know that individuals who are wealthy do not worry about high quality care because they have the personal resources to pay for it. What is true for the individual is true for the Nation. Our capacity as a nation to afford high quality care, will in the end, depend on our ability to generate additional wealth. We must continue to focus on education and job creation which improve our country's wealth as we work to reform the health care system.

In conclusion, I believe it is time to tell the truth to all Americans. When everyone is operating in an open and honest environment, we will be able to reform our health care system and begin to create a healthier America.

Mr. President, I essentially identify what I consider to be the top 10 irrelevant arguments on the issue of health care. The fact of the matter is that the American people say there is a crisis in health care.

We recently heard—my latest irrelevant argument—is there not a crisis? There is not a crisis for us who have our health care taken care of, but for an increasing number of Americans, indeed a majority of Americans feel like they are on this thin ice where if almost anything happens in their life, they will find themselves medically indigent.

The most courageous individual in the health care debate right now is the President of the United States who has introduced a very specific piece of legislation and has put himself at risk as a consequence and has indicated to all—there is only one indivisible principle that he has, only one principle he says that if it is not included in the legislation, that he is going to veto it, and that is health care legislation must be 100 percent universal. That is to say every single American has to be covered.

I am here to say that we have a lot of work to do to enact a piece of legislation. I think the CBO report is useful, in fact. It does give us an indication of what can be on- and off-budget. I share those who say Mr. Reischauer was courageous in stating his honest opinion of the impact of the President's legislation. But if we are going to get universal coverage, if we are going to enact a piece of legislation, then we are going to have to stop all the irrelevant arguments that I hear over and over and over.

For example, one of the irrelevant arguments is, should we or should we not have a mandate? Mr. President, we already have a mandate in place. Every employer pays a tax of 1.45 percent of their payroll, every employee pays a tax of 1.45 percent of their wages. It is mandated and in place right now. It goes for part A Medicare, and guess what part A Medicare really is? It is national health insurance. The only

catch is, you have to be 65 before you are eligible.

So if you walk down on the floor here and say you are against a mandate, if you walk to the floor and say you are against national health insurance, it must inescapably follow that you are against Medicare. That is not what is going on.

I hear people say, "I'm against a big Government takeover of health care." And \$450 billion this year will be collected in taxes and used to pay for health care—Government health care, Mr. President. If you are against a big Government takeover of health care, then for gosh sakes, identify what part of the Government you want to stop; where do you want to get Government out?

I think there is an emerging consensus in this body that begins by saying that there is a crisis; that this system is broken and it needs to be fixed. I believe that there is a bipartisan consensus to do just that. The President of the United States has not polarized the debate by indicating that he is unwilling to compromise. Quite the opposite. He has merely said that he wants to be able to go to bed at night, as I do, secure in the knowledge that every single American is covered. We can do that, Mr. President, I believe by focusing on those things that are indeed broken.

I would like to suggest four things we need to fix in a couple of minutes and then I will let the distinguished Senator from Massachusetts jump in. He is looking at his watch. I will try to give him enough time to talk before the vote.

Mr. President, the four things to me are, number one, the insurance system is broken. Indeed, the President needs to be given a great deal of credit for bringing the insurance companies to the table and saying they are willing to fix preexisting conditions, they are willing to end the problem of portability, they are willing to end the skimming going on today in the system, a system that provides an incentive only to insure those who are healthy. We need to fix what is wrong with the insurance system.

Second, our Medicaid system is broken, and I would identify that as the second most important thing we need to do.

Third, if we really want to move from a Government-controlled system, which we have today, to a more market-oriented system where individuals are more in control of making decisions about price and quality, then there are a number of things that we are going to have to change in our tax system.

Fourth, I believe there are a whole series of things that I identify as coming under the heading of accountability. Our system is unaccountable. We have an unaccountable system when we collect money in Washington; we have



an unaccountable system when an individual goes into a hospital; we have an unaccountable system when an individual finds themselves not able to get payment for something troubling them; we have a very unaccountable and difficult system.

I came here to say that I appreciate that the Republican leader and the distinguished senior Senator from New Mexico recognize the courage of Mr. Reischauer, but I hope they also recognize the courage of the President of the United States for pushing this issue to a point wherein if we do the work and stop the irrelevant arguments, we have the potential of being able to reform and enact legislation this year that will indeed extend coverage to every single American.

I thank the Chair and yield the floor.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes eleven seconds.

#### HEALTH SECURITY ACT

Mr. KENNEDY. Mr. President, this afternoon, in testimony before the House Ways and Means Committee, the Congressional Budget Office submitted its detailed views on President Clinton's Health Security Act.

CBO is usually a quiet place, but in recent months it has been the quiet at the center of the storm, as all sides in the health care debate have awaited CBO's analysis of President Clinton's Health Security Act.

Now, CBO's verdict is in, and after all the ideological smoke dissipates, it will be clear that CBO's analysis is a solid vote of confidence in the administration's plan. The plan is sound economically. The numbers add up. The CBO analysis concludes that the plan will provide health security for all Americans, and bring health care costs under control. No reputable study has concluded that any of the opponents' plans will reach those goals—not the Cooper plan, and certainly not any of the Republican plans.

There is a health care crisis today because too many families have no insurance and because health care costs are out of control. The President's plan deals effectively with these two basic issues. It guarantees coverage for every American. And it brings health care costs under control. It means that the economy will grow, our living standards will improve, and America will be able to compete more effectively in the international marketplace.

The CBO report specifically confirms that the long-term effect of the President's plan will be to reduce the Federal deficit. While there are differences between the OMB estimates and the CBO estimates, there is broad and welcome agreement by both budget agencies that the President's plan can be paid for by savings in the current sys-

tem. The differences between the estimates are small, as the CBO analysis itself states. With further refinements in the cost data, the differences will be reduced. Only minor adjustments are needed in the program to assure that there is no increase in the deficit, even in the early years of the program.

For example, one significant difference between the OMB and CBO is the CBO believes employers will be able to manipulate the system to achieve greater savings than they are entitled to. By improving the enforcement mechanisms in the bill, that gamesmanship can be reduced or eliminated.

On the technical issue of budget treatment, CBO has been careful to describe the premium payments as receipts, not taxes. In asserting that these premiums should be part of the Federal budget, I believe that CBO is wrong.

Premiums under the Health Security Act are paid to private insurance companies, not to the Federal Government. Never before has money not paid to the Government and not spent by the Government been included in the budget.

The requirement that individuals and businesses contribute to the cost of private health insurance coverage is no different than the requirement to pay a minimum wage or to purchase auto insurance if you drive a car. None of these transactions are considered to be part of the Federal budget or State budgets. They are regulatory requirements that affect private sector activity, but the government does not collect or spend tax dollars.

As a matter of common sense, whatever the technical scoring of the program, the American people know that the premiums they paid for private insurance yesterday did not become governmental receipts today because of CBO's conclusion. Average citizens know that health insurance premiums under the President's plan are premiums—nothing more, nothing less.

The opponents of the President's plan and the special interest groups that stand to gain from continuation of the status quo will try to shift the debate away from CBO's fundamental conclusion—which is that the President's plan will guarantee universal, comprehensive health insurance coverage and save money at the same time.

The real issue is not the technical question of whether the President's plan or another plan should be included in the Federal Budget.

The real issue is which plan does the job of ending the Nation's health care crisis. By this standard, CBO's analysis is a convincing vote of confidence in President Clinton's plan.

None of the plans advanced by the President's opponents can claim a similar seal of budget approval.

Mr. JEFFORDS. Mr. President, passage of the Goals 2000 bill is something

to be proud of. In fact, it may turn out to be one of the most important pieces of legislation that we pass in many years. If this bill turns out to be the catalyst that we need to take action to improve America's schools, it may well be the most important bill of the decade.

Goals 2000 establishes goals that will lead to the kind of educational achievement that America needs. It is a sad commentary, however, that it has taken 10 years since the publication of "A Nation at Risk," and 6 years since the education summit to get around to passing this legislation.

Hard work remains. We have much to do to reform our schools to make them responsive to the needs of today and tomorrow. Even more important, we have a great challenge before us to help the children and families who are at risk, to make sure they see education as the way out of the cycle of poverty.

It is sad that we have let the situation go so long before taking action. The effect on our economy of our current school system is significant. Up to \$1 trillion is lost in GDP because of our failure to educate our populace.

American business spends approximately \$200 billion per year to perform remedial training for its employees. This is training necessary to provide these individuals minimum skills required to perform on the job.

The Department of Education estimates that 30 million adult Americans are functionally illiterate. Another 45 million are marginally illiterate. This creates a significant problem for our economy. "Combating Illiteracy in the Workplace," by Robert Goddard puts the cost of this illiteracy at a staggering \$225 billion. This includes lost productivity, unrealized taxes, crime, welfare, health, housing, and other social costs.

We pay for our failed education system every time an individual drops out of high school. Lack of a high school degree costs an individual \$440,000 in lifetime earnings. These lost earnings often drive these individuals into welfare, crime, and drugs. Federal expenditures for welfare were \$208 billion per year and medical costs of violent crime amounts to \$18 billion per year. Illegal drugs cost the economy \$238 billion per year as estimated by Brandeis University. These difficult circumstances perpetuate themselves generation after generation.

We need an educated populace to keep pace with international competition. United States technology has led the world for decades, but the lead is being severely challenged. If we expect to maintain an active pace of technology development, we must have world-class scientist and engineers, and we must have a workforce that have the skills to work with leading edge technology.

Unfortunately, on a recent test of 13-year-olds from 11 nations, U.S. stu-

dents placed last in mathematics, and next to last in science. According to the National Assessment of Educational Progress, fewer than one in four U.S. fourth and eighth grade students are able to meet high standards of performance in mathematics or reading.

Unfortunately, as we attempt to reverse these trends, we are losing one of our most effective and significant trainers, the military. With force levels declining from 2.2 million men and women to 1.4 million, the volume of military training will decline significantly. Military training provides a significant contribution to the skills and leadership of our young people. It also provides them with the ability to continue on to higher education. Approximately 150,000 fewer young men and women will get this training each year.

Many of our schools systems should be reformed. Those efforts are underway. But new methods and ideas are not the only solution. Our schools need additional funding.

One need only to look at the state of our laboratories and school buildings to see the need. Other ideas such as longer school years, and a longer school day also can be accomplished as soon as the necessary funds are available.

We need to start today to raise the priority of education in this country and work to find ways to provide funds that will give our school systems a chance to reach the goals in this bill. I am proposing that we increase Federal funding for education by 1 percent of Federal spending, about \$15 billion, each year, until we reach 10 percent of the budget. This is approximately the cost of fully funding the education programs we have in current law, and the initiatives such as extending the school year, which are needed if we are serious about obtaining the goals we have set out in this legislation. Only then will we be able to tell whether this is an important bill, or just another empty promise.

I am pledged to make Goals 2000 an important milestone in our history.

#### EXECUTIVE SESSION

#### NOMINATION OF M. LARRY LAWRENCE, OF CALIFORNIA TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND

The PRESIDING OFFICER (Mrs. FEINSTEIN). Under the previous order, the hour of 5 o'clock having arrived, the Senate will proceed to executive session to vote on the nomination of M. Larry Lawrence, of California, to become Ambassador to Switzerland. The clerk will report the nomination.

The legislative clerk read the nomination of M. Larry Lawrence, of California, to be Ambassador to Switzerland.

Mr. SIMON. Madam President, I have known Larry Lawrence for many years as a committed and involved member of the community. Larry Lawrence is a highly successful businessman who has been an active donor, sponsor, and fundraiser for a range of good causes. Some have been political, but many have not.

Larry Lawrence's nomination has generated some controversy. I believe that this controversy reflects honest debate about the nature of the job of our bilateral ambassadors. It is true that Larry Lawrence is not an expert on European affairs, and is not fluent in either of Switzerland's two major languages. In my view, however, Larry Lawrence has the character and necessary background—as a successful businessman with some significant international experience—to perform well as United States Ambassador to Switzerland.

Further, I would note that the post of United States Ambassador to Switzerland has been vacant for more than a year. It is time to fill the job and put the controversy behind us.

I will vote in favor of Larry Lawrence's confirmation, and I urge my colleagues to do likewise.

Mr. HATFIELD. Madam President, it is the prerogative of the President to choose his nominees and the responsibility of the Senate to consent to these nominations. I wish to indicate my strong support for the President's nomination of M. Larry Lawrence to be United States Ambassador to Switzerland.

The President's confidence in Mr. Lawrence is well-placed. He has a long history of public service and philanthropy in addition to a successful private sector career. He has been actively interested and involved in foreign affairs matters and served with distinction on the Nobel Prize nominating commission.

Tradition has held that our ambassadorial corps be chosen from both the career Foreign Service and from the Nation at large. It is my belief that Mr. Lawrence will bring a unique and important perspective to this post and I look forward to working with him after confirmation.

Mr. MATHEWS. Madam President, late last year President Clinton nominated Mr. Larry Lawrence to serve as Ambassador to Switzerland. Tonight, the Senate overcame the discreditable impulses that stalled the confirmation process. As a result, the United States will have the services of a superbly qualified ambassadorial appointment.

Larry Lawrence is a man of modest origins whose hard work built a fortune and whose good works earned him wide admiration. He is a living exam-

ple of boot-strap accomplishment. Character and competence have distinguished him all his life. During World War II he was a merchant marine volunteer who received the Medal of Honor from our Russian allies for his heroic rescue of drowning fellow crewmen after their ship was torpedoed off Murmansk.

He has founded and managed more than 50 businesses in a proud career. His enterprises have encompassed banking, commercial development, travel, and tourism. These industries are central to the Swiss economy. They are industries in which the Swiss have eminent expertise.

Mr. Lawrence's background is perfect preparation for the prime task of the United States Ambassador to Switzerland: nurturing commercial, trade, investment, and business relationships with Switzerland and Swiss companies.

Mr. Lawrence's commitment to public service is as striking as his success in business. His biography is virtually a phone book of committees, organizations, councils, colleges, and advisory boards.

His civic contributions over the past 45 years are inspiring and humbling to those of us who believe we are committed to public service.

They include service to the State of California as vice chairman of tourism development. President Carter appointed him to the Federal Home Loan Bank Board. President Clinton asked Mr. Lawrence to attend his economic summit before taking office and to brief him on the eve of his recent visit to Geneva. He was cochairman of California's finance subcommittee on cost control in State government, chairman of the economic advisory board of San Diego, founding member of the World Affairs Council, and vice chairman of the Nobel Peace Prize nominating committee. The list goes on and on.

Yet, despite his obvious credentials as a businessman and civic servant, Mr. Lawrence was subjected to rebuke and vilification, mainly by the bureaucracy in the State Department who thought one of their own should have been nominated in his place. Testimony at his Senate Foreign Relations hearing set a new low in acrimony. In the weeks afterward, he was criticized publicly by figures in the Foreign Service Association and in FSA publications as "one of the last relics of the 19th century spoils system."

Yes, Mr. Lawrence has been and is active in supporting his chosen political party. I wish every American followed his example and became more active in the American political process. Two Presidents have called on his counsel, as have Governors, Congressmen and women, and State and local officials of both parties. And he always answered when called. If that was a reason to criticize him, I say his critics had a warped regard for the obligations of citizenship.



There are, indeed, career professionals in the Foreign Service who merit consideration as ambassador. In fact, I received an illuminating letter from one regarding Mr. Lawrence.

He said he was, in his words, "taking the unusual step of writing to you because I believe that Mr. Lawrence is well qualified to serve as U.S. Ambassador to Switzerland."

He cited not only Mr. Lawrence's apt and extensive background in business as perfect qualifications, but also Mr. Lawrence's contemplative and reflective personal disposition, which is so highly valued in the Swiss approach to relationships.

He concluded with a comment about Mr. Lawrence's adversaries: "\*\*\* those in AFSA who have attacked Mr. Lawrence have done the State Department, and the United States, a major disservice."

I add that they also made an unconscionable attempt to intrude on the powers and responsibilities of the President, whose duty it is to select the ambassadors who represent us. The Constitution gives to the President and the Senate the sole and exclusive responsibility of passing judgment on persons who will be our ambassadors to other countries.

I find it ludicrous that an entrenched bureaucracy would attempt to interject its judgment over that of the President of the United States, particularly when it is well known that these same people coveted these appointments.

A former Republican-appointed ambassador to both France and Ireland made a telling case about that in his own letter of endorsement. He argued that the tradition of Presidential appointments is older than the Foreign Service itself. He disparaged the age-old objections from Foreign Service officers as "stale" and "blinkered to the reality."

He emphasized that Presidential appointees have infinitely greater access to the White House and the State Department than careerists in the Foreign Service. Foreign government officials whom our ambassadors deal with appreciate this access.

The issue driving the scurrilous and petulant censure of Mr. Lawrence was not his qualifications. His political adversaries were bothered by his advisory relationship with President Clinton—which an ambassador should have with his President, by the way.

What we heard from his foreign service critics was pettier than politics. It was an outburst of insecurity. Mr. Lawrence was simply the highest profile nominee they could find over whom to make their ill-taken point. They've got sour grape stains all over their self-importance.

I thank and commend my colleagues who supported Mr. Lawrence—and they are many in number. They did the

right thing for Swiss-American relations and did the right thing by a distinguished American.

At this moment, Mr. Lawrence is working with the State Department, continuing to prepare himself for his post in Bern. He never stayed in this fight to win a bitter but pointless Washington-style confrontation by people who criticized him without knowing him. He put his good name on the line because he wants to be of further service to his country—as he's done all his life.

His is the highest impulse in public service. That's why I stood with Mr. Lawrence and President Clinton. I want to commend the President for nominating this worthy American. And again, I commend my colleagues in the Senate for allowing Mr. Lawrence to assume his duties as an effective advocate for American interests in Switzerland.

Mr. HELMS. Madam President, in just a few minutes, the Senate will be voting on President Clinton's nominee to be ambassador to Switzerland. As some of my colleagues may take note, it is not very often that the entire Senate is assembled to vote on an ambassadorial nomination. Well, it is not very often that the Senate is asked to vote on a nominee that is so obviously qualified only by the amount he has donated to political campaigns.

That, however, is not why I am here today. Before the Senate votes on Mr. Larry Lawrence's nomination, his relationship with the Foreign Relations Committee and with the Internal Revenue Service should be made a matter of public record.

Since Mr. Lawrence submitted his original papers to the committee last fall, he has amended his financial statement portion numerous times in response to allegations.

Mr. Lawrence corresponded with Chairman PELL 3 times in 3 days after it was brought to light in testimony during his confirmation hearing that Mr. Lawrence had not completed, to the fullest extent possible or to the extent required by law, his records of campaign contributions, or his current status of claims with the IRS.

It should be noted that the committee reported Mr. Lawrence's nomination on a 10-10 vote with Senators SARBANES, MOYNIHAN, FEINGOLD, HELMS, LUGAR, KASSEBAUM, PRESSLER, MURKOWSKI, JEFFORDS, and GREGG voting in the negative. It should also be noted that Mr. Lawrence made donations to at least six of the Senators who signed the cloture petition, not to mention at least ten other sitting members of the Senate.

Most importantly—just last Thursday, the committee received, and then distributed a detailed document regarding a tax case in which allegations of tax fraud were raised against Mr. Lawrence. Incidentally, Mr. Lawrence's

attorneys did not choose to note this case or the allegation of fraud in his papers because they deemed him to be innocent.

I remind my colleagues that in carrying out its duty to advise and give its consent to a nomination, the Senate is obligated and expected to investigate fully the ethical, financial, moral and professional background of every nominee. The committee has only just compiled what is believed to be all the information Mr. Lawrence can supply; but there has obviously not been enough time to wade through the enormous amount of paperwork submitted.

The distinguished majority leader has rejected suggestions that a vote on this nomination be delayed pending a review of all documents relating to Mr. Lawrence and his various activities. I regret Senator MITCHELL's decision.

Mr. GLENN. Madam President, I rise today to speak on behalf of the nomination of M. Larry Lawrence to be U.S. Ambassador to Switzerland. I have known Larry Lawrence for over a decade. I know him to be an individual of personal integrity and I respect him for his considerable business development and management skills. I also know that Larry has had a life-long interest in foreign policy, as evidenced by his 25 year association with the San Diego World Affairs Council, of which he is a founding member. In addition, these days business experience such as Larry's will be a considerable asset, as U.S. posts abroad are taking a more active role in promoting U.S. commercial interests.

But most importantly, because of his long association with President Clinton, he enjoys the full and complete confidence of the President, a very important plus for any high level appointee. In the absence of any disqualifying factors, I believe the President should have his choice. And given my long acquaintance with Larry Lawrence, I am confident there are no such factors. With every expectation that Larry Lawrence will bring all of his considerable talents and energy to representing our country's interest in Switzerland, I recommend Larry Lawrence's confirmation without reservation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Mr. Larry Lawrence, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAU], the Senator from Louisiana [Mr. JOHNSON], and the Senator from Illinois [Mrs. MOSELEY-BRAUN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and

the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 16, as follows:

[Rollcall Vote No. 33 Ex.]

YEAS—79

Akaka	Durenberger	Mathews
Baucus	Exon	McCain
Bennett	Faircloth	McConnell
Biden	Feinstein	Mikulski
Bingaman	Ford	Mitchell
Bond	Glenn	Murray
Boren	Gorton	Nickles
Boxer	Graham	Nunn
Bradley	Grassley	Packwood
Brown	Gregg	Pell
Bryan	Harkin	Pressler
Bumpers	Hatch	Pryor
Burns	Hatfield	Reid
Campbell	Heflin	Riegle
Chafee	Hollings	Robb
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Cohen	Kennedy	Sasser
Conrad	Kerrey	Shelby
Coverdell	Kerry	Simon
D'Amato	Kohl	Simpson
Danforth	Lautenberg	Stevens
Daschle	Leahy	Thurmond
DeConcini	Levin	Warner
Dodd	Lieberman	Wofford
Domenici	Lott	
Dorgan	Mack	

NAYS—16

Byrd	Kempthorne	Smith
Craig	Lugar	Specter
Dole	Metzenbaum	Wallop
Feingold	Moynihan	Wellstone
Helms	Murkowski	
Kassebaum	Sarbanes	

NOT VOTING—5

Breaux	Hutchison	Moseley-Braun
Gramm	Johnston	

So the nomination was confirmed.

Mr. MATHEWS. Madam President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

DEPARTMENT OF STATE

The PRESIDING OFFICER. Under the previous order, the Senate will consider the following nominations, en bloc:

Calendar No. 531, K. Terry Dornbush, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Calendar No. 534, Thomas L. Siebert, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Calendar No. 535, Sidney Williams, of California, to be Ambassador Extraordinary and Plenipotentiary of the

United States of America to the Commonwealth of the Bahamas.

Foreign Service nominations beginning Frank Almaguer, and ending James R. Dempsey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 5, 1993.

The nominations were considered, and confirmed, en bloc.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

Mr. PELL. Madam President, the Senate has pending before it the following nominations: K. Terry Dornbush to be Ambassador to the Kingdom of the Netherlands; Thomas L. Siebert to be Ambassador to Sweden; Sidney Williams to be Ambassador to the Commonwealth of the Bahamas; and M. Larry Lawrence to be Ambassador to Switzerland.

Mr. Dornbush's nomination was submitted to the Senate on October 14, 1993. The Foreign Relations Committee held a hearing on November 17, and on November 18, by a vote of 14 to 6, favorably reported out the nomination with the recommendation that it be confirmed.

The nomination of Mr. Siebert was received by the Senate on October 14, 1993. A hearing was held by the committee on November 10 and on November 18, by a vote of 12 to 8, the nomination was favorably reported out of committee with the recommendation that it be confirmed.

The nomination of Mr. Williams was sent up to the Senate on October 14, 1993. A hearing was held on November 16 and on November 18, by a vote of 14 to 6, the committee favorably reported out the nomination.

The nomination of Mr. Lawrence was submitted on October 25, 1993. A hearing was held on November 10. On November 18, the committee voted 10 to 10 on a motion to favorably report Mr. Lawrence's nomination to the Senate with the recommendation that it be confirmed. Upon failure of this motion to pass, the committee, by voice vote, agreed to report the nomination to the full Senate without recommendation.

It is important for the Senate to confirm these nominations today.

Each of the four important posts has been vacant for some time. The United States has been without an ambassador to Sweden since August 1992; our last ambassador to The Hague left post more than 1½ years ago; and the Bern and Nassau posts have been vacant since last March. I believe it is detrimental to U.S. foreign policy for us not to have had representation at the ambassadorial level for such a long period of time.

The United States has worked closely with the Bahamian Government on counternarcotics issues—the most important issue in the bilateral relationship—and our countries have enjoyed

good relations. However, at this time the U.S. counternarcotics strategy in the Caribbean is uncertain and the nature of cooperation may change. Having a U.S. ambassador in place as that relationship changes will be critical to easing the transition.

In the post-cold-war era, we are working very closely with Sweden on such issues as reform in the Baltic countries, the conflicts in Somalia and in the former Yugoslavia, the Conference on Security and Cooperation in Europe [CSCE], and the Comprehensive Test Ban Treaty. It is in the United States interest to expand our bilateral cooperation in these and other areas, but to do so effectively, we need a strong spokesman for U.S. policy resident in Stockholm. We also should be creating opportunities for enhanced United States exports to Sweden's relatively open economy, and to protect United States economic interests as Sweden concludes an accession agreement with the European Union. Again, the absence of a U.S. ambassador reduces U.S. presence and influence.

It is my understanding that the absence of a United States ambassador is a topic of regular media and public comment in Holland, our NATO ally, and an active member of the European Union. At a time when the Netherlands and the rest of NATO are reassessing their role in Europe, discussing how we should build bridges with the countries of Eastern Europe, and considering how to respond to the crisis in former Yugoslavia, I believe that it is important for us to have an ambassador at The Hague. As President Clinton noted when he welcomed Prime Minister Lubbers to the White House on January 4, our relationship with the Netherlands spans the full range of European and international security issues as well as trade, economic, and commercial issues.

The United States has important economic and political interests at stake in Switzerland. United States exports to Switzerland approach \$5 billion annually, and an activist United States ambassador could help us do even better. Switzerland is not a member of the European Union, and according, it, more than some other European countries, looks to the United States for expanded trade and investment ties, which can translate into American jobs. On the political front, Switzerland is reassessing its participation in regional and international affairs—in export control regimes, anticrime and terrorism activities, security cooperation, reform in the former Soviet Union and Eastern Europe, and aid to Middle East peace. A United States ambassador in place will strengthen our diplomatic effort to encourage Switzerland to become an active partner in these and other areas.

I ask unanimous consent that the certificates of competence submitted



to the committee with respect to each of these nominees together with appropriate biographical material be printed in the RECORD. I urge my colleagues in the Senate to vote to confirm these pending nominations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### K. TERRY DORNBUSH

##### BIOGRAPHIC SUMMARY

Name: K. Terry Dornbush.  
Position for which considered: Ambassador to The Kingdom of The Netherlands.  
Present position: Private Investor.  
Legal residence: Georgia.  
Office address: Atlanta, Georgia.  
Date/place of birth: October 31, 1933; Atlanta, Georgia.

Home address: Atlanta, Georgia.  
Marital status: Married.  
Name of spouse: Marilyn Pierce Dornbush.  
Names of Children: Laura D. Iarocci; Kirk T. Dornbush, Jr.; Claire D. Archer.

Education: B.A., Vanderbilt University, 1951-55; Emory University School of Law, 1955-56, no degree; New York Institute of Finance, 1956-57, Security Analysis.

Language Ability: Currently enrolled at FSI for Dutch Language training; German (Limited).

Military experience: U.S. Army Reserve—436th Civil Affairs; Military Government Company, 1957-65; Active Duty: April–October 1957.

Work experience:  
1969–Present: Private Investor, Atlanta, Georgia.

1970–Present: Director, New York Venture Fund, (and subsequently acquired or formed) Retirement Planning Funds of America, Inc., Venture Income Plus, Inc. and Venture Muni Plus, Sante Fe, New Mexico and New York, NY.

1971–Present: General partner, Stephens Woods Associates, Atlanta, Georgia.

1979–Present: General Partner, Yulee Limited Partnership, Atlanta, Georgia.

1986–Present: General Partner, Triangle Investment Limited Partnership, Nassau County, Florida.

1983–Present: General Partner, Dorn Associates, Atlanta, Georgia.

1981–Present: General Partner, KTR, Limited, Atlanta, Georgia.

1981–Present: Proprietor, The Dornbush Company, Atlanta, Georgia.

1988–1990: Chairman of the Board, The Dornbush Group, Inc., Atlanta, Georgia.

1988–1990: Director, The Dornbush Group System, Inc., Atlanta, Georgia.

1988–1990: Director, The Dornbush Group International, Inc., Atlanta, Georgia.

1983–1990: Director, Knight Transportation Company, Inc., Atlanta, Georgia.

1976–1990: Director, Southeastern Bonded Warehouses, Inc., Atlanta, Georgia.

1981–1990: Director, WFI Transport, Inc., Atlanta, Georgia.

1988–1990: Vice Chairman of the Board, American Western Corporation, Sioux Falls, South Dakota.

1980–1989: Chairman and Chief Executive Officer, Dixie Bag Company, Atlanta, Georgia.

1978–1986: President, Egmont Investment Company, Atlanta, Georgia.

1981–1987: President, DOAG USA Inc (subsidiary of DOAG Warenhandels, AG, Hamburg, Germany).

1978–1986: Chairman of the Board, Thermo-Materials Corporation, Atlanta, Georgia.

1975–1980: Founder, Director, Chairman of Audit and Finance Committees, First Women's Bank, New York, New York.

1968–1974: Executive Committee, Board of Directors; Consultant; Hickory Furniture Company, Hickory, North Carolina.

1955–1969: Partner, Corporate Finance Department, Courts and Company, Atlanta, Georgia.

Organizational affiliations: Capital City Club; Cathedral of St. Phillip (Episcopal), Atlanta, Georgia; Skin Cancer Foundation Advisory Council; Vanderbilt University Alumni Board of Directors.

#### REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Kingdom of The Netherlands.

Candidate: K. Terry Dornbush.

Kirk Terry Dornbush is a private investor and successful businessman in Atlanta, Georgia. His career encompasses more than 35 years of experience in corporate finance, international business, banking, real estate and entrepreneurial endeavors. Since 1970, he has been Director of New York Venture Fund. Mr. Dornbush is a General Partner with the following groups: Stephens Woods Associates, Yulee Limited Partnership, Triangle Investment, Dorn Associates, and KTR, Limited. In addition, since 1981 he has been Proprietor of The Dornbush Company. From 1980 to 1989, Mr. Dornbush was Chairman and Chief Executive Officer of the Dixie Bag Company. In 1975, he founded the First Women's Bank of New York and served as a Director until 1980.

Mr. Dornbush also is active in civic causes. He is on the Skin Cancer Foundation Advisory Council and is member of the Cathedral of St. Phillip. Mr. Dornbush has established fellowships for graduate work in economics at Vanderbilt University and for post-doctoral work in child neuropsychology at Georgia State University. In addition, he is on the Vanderbilt University Alumni Board of Directors.

Mr. Dornbush was born on October 31, 1933 in Atlanta. He graduated from Vanderbilt University in 1955 and attended the Emory University School of Law from 1955 to 1956. From 1956 to 1957, Mr. Dornbush attended the New York Institute of Finance. He is married and has three children.

Mr. Dornbush's extensive and successful business and civic experience make him an excellent candidate for United States Ambassador to the Kingdom of The Netherlands.

#### THOMAS L. SIEBERT

##### BIOGRAPHIC SUMMARY

Name: Thomas L. Siebert.

Position for which considered: Ambassador to Sweden.

Present position: Of Counsel, Besozzi, Gavin & Craven, Washington, DC.

Legal residence: Maryland.

Office address: 1901 L Street NW., Suite 200, Washington, DC 20036.

Date/place of birth: May 2, 1946, Cleveland, Ohio.

Home address: Annapolis, Maryland.

Marital status: Married.

Name of spouse: Deborah Simpson Siebert.

Names of children: (age 14): Lauren Elizabeth Siebert (age 11); Thomas Leland Siebert, II (age 6); Trevor Chapman Siebert (age 1).

Education: A.B., Georgetown University, 1968; J.D., Georgetown University Law School, 1972.

Language: French (moderate speaking/writing abilities).

Military experience: None.

Work experience:

1993–Of Counsel, Besozzi, Gavin, & Craven, Washington, DC.

1987–1993: Of Counsel, Besozzi & Gavin; Washington, DC.

1985–1987: Partner, Hennessey, Stambler & Siebert, P.C., Washington, DC.

1978–1985: Partner, Lovett, Ford, Hennessey, Stambler & Siebert, Washington, DC.

1971–1978: Associate, Pittman, Lovett, Ford, & Hennessey, Washington, DC.

1968–1971: Aide, Office of U.S. Senator Carl Hayden.

1966–1968: Volunteer, Office of U.S. Senator Robert F. Kennedy.

1965–1966: Intern, Office of Congressman Robert E. Sweeney.

Honors/awards: Georgetown University Law School: Law Policy in International Business Law Review (1970–1972).

Organizational/affiliations: Member, Board of Regents, Catholic University, 1989–Present; Member, Board of Visitors, St. John's College, 1989–Present; Member, United States Naval Academy Midshipmen Program, 1989–Present; Member, United States Naval Academy Catholic Church, 1977–Present; Member, St. Mary's Catholic Church, 1977–Present; Member, Maryland Hall for the Creative Arts, 1990–Present; Member, Annapolis Association, 1989–Present; Member: The District of Columbia Bar Association; Bar Association of the District of Columbia, American Bar Association, and the Federal Communications Bar Association.

#### REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Sweden.

Candidate: Thomas Leland Siebert.

Thomas Leland Siebert has served Of Counsel in the law firm of Besozzi, Gavin & Craven, and its predecessor, Besozzi, & Gavin, in Washington, D.C., since January 1987. Mr. Siebert was a Partner in another Washington, D.C., law firm for the previous nine years. He worked in the office of U.S. Senator Carl Hayden as an Aide from 1968 to 1971. Mr. Siebert also worked as a volunteer in the office of U.S. Senator Robert F. Kennedy from 1966 to 1968, and in the office of Congressman Robert E. Sweeney as an Intern from 1965 to 1966.

Throughout his career, Mr. Siebert has been involved in many civic activities. He has served on several PTA boards since 1984 and is currently serving on the PTA board of the Key School in Annapolis, Maryland. He is a member of several community associations in Annapolis and Washington, D.C. Mr. Siebert is currently a member of the Maryland Hall for the Creative Arts and the U.S. Naval Academy Midshipmen Program.

Mr. Siebert was born on May 24, 1946, in Cleveland, Ohio. He graduated from Georgetown University Law School in 1972, and speaks and writes French moderately. He is married and has four children.

Mr. Siebert's successful career as an attorney and his extensive involvement in a number of civic activities make him an excellent candidate for United States Ambassador for Sweden.

#### SIDNEY WILLIAMS

##### BIOGRAPHIC SUMMARY

Name: Sidney Williams.

Position for which considered: Ambassador to the Commonwealth of the Bahamas.

Present position: Sales Consultant, Mercedes Benz.

Legal residence: California.

Office address: 6353 Sunset Boulevard, Hollywood, California 90028.

Date/place of birth: March 24, 1942, Shreveport, Louisiana.

Home address: Los Angeles, California.

Marital status: Married.

Name of spouse: Maxine Waters.

Name of children: Edward K. Waters and Karen P. Titus (Stepchildren).

Education: B.A., Southern University, 1964; M.S., Pepperdine University, 1973.

Language ability: None.

Military experience: U.S. National Guard, 1964-65 (active duty); U.S. National Guard, 1965-70 (reserve).

Work experience:

1979—Present: Sales Consultant, Mercedes Benz, Hollywood, California.

1983-1993: Speaker/Mentor to Youth Groups on events such as King Holiday, Career Days, Black History Month.

1976-1979: Project Manager, City of Los Angeles Community Redevelopment Agency, Los Angeles, California.

1974-1976: Legislative Aide, Los Angeles City Council, 10th District, Los Angeles, California.

1966-1974: Business Developer, Black Economic Union, Los Angeles, California.

1964-1969: Professional Football Player: Cleveland Browns, Cleveland, Ohio; Washington Redskins, Washington, D.C.; Baltimore Colts, Baltimore, Maryland; Pittsburgh, Pennsylvania.

Organizational affiliations: Member, Board of Directors, Southwest Community College Foundation; Member, Alpha Phi Omega Fraternity; Member, National Association for the Advancement of Colored People (NAACP).

Awards: Member, Cleveland Browns 1965 NFL Championship Team; Member, Athletic Hall of Fame, Southern University; Recipient, 4-Year Athletic Scholarship, Southern University.

#### REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Commonwealth of the Bahamas.

Candidate: Sidney Williams.

Sidney Williams is a prominent figure in the publication entitled, "Men of Courage", published by Carnation Company. Mr. Williams' impressive accomplishments and community service earned him recognition in this outstanding journal of high achievers. A leading sales consultant with Mercedes-Benz since 1979, he initiated new sales strategies that earned record profits for his company. From 1976 to 1979, he was project manager for the Community Development Agency of the City of Los Angeles. He pioneered neighborhood revitalization programs that involved resident planning, government low interest rate loans and private sector contractors. His superb negotiating skills resulted in significant home improvements for numerous families and neighborhood revitalization.

Mr. Williams also served as legislative deputy in the Los Angeles City Council from 1974 to 1976. He researched and crafted legislation, organized legislative hearings and assisted in budget preparation.

From 1966 to 1974, Mr. Williams was a business developer for the Black Economic Union where he assisted in the development of busi-

ness plans for small business owners and capital formation for struggling entrepreneurs.

In addition, Mr. Williams developed strong discipline, strategic thinking and negotiating skills as a professional football player for the Cleveland Browns and the Washington Redskins of the National Football League from 1964 to 1969. Mr. Williams serves on the Board of the Southwest Community College Foundation, and is a past board member of the Kazi House, a drug abuse and rehabilitation center and past board member of the Minority Junior Golf Association.

Mr. Williams has travelled with the L.A. Rams football team to England, Germany, and Japan as special adviser to Rams owner Georgia Fontiere. He has also assisted in the negotiations and the production and operations of the games in those countries.

Mr. Williams was born on March 24, 1942 in Shreveport, Louisiana. He graduated from Southern University in 1964 and received his M.S. from Pepperdine University in 1973. He is married.

Mr. Williams and his family have spent many of their vacations in the Bahamas. He has a deep respect for the Caribbean culture and will make an outstanding representative for the President to the Commonwealth of the Bahamas.

#### REPORT FOR THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE

Subject: Ambassadorial Nomination: Certificate of Demonstrated Competence—Foreign Service Act, Section 304(a)(4).

Post: Switzerland.

Candidate: M. Larry Lawrence.

M. Larry Lawrence is a successful businessman and active civic leader in California. Since 1986, he has served as the Chairman and Chief Executive Officer of the Hotel del Coronado Corporation. From 1963 to 1986, Mr. Lawrence was Chairman, President, and Chief Executive Officer of Del Properties Incorporated. Prior to 1963, he was a top executive with a number of different real estate companies.

Throughout his career, Mr. Lawrence has been very active with community groups in San Diego and with other national civic organizations. He is on the National Advisory Board of the Center for National Policy and, since 1972, has been the Chairman for the Israel Bond Campaign. He was a member of the Task Force on Housing for the Urban Coalition and, from 1984 to 1985, Mr. Lawrence was Vice Chair of the Nobel Peace Prize Nominating Commission. He has received a number of honors including the Outstanding Community Leadership Award from San Diego State University and the Gold Medal commemorating the 40th Anniversary of the State of Israel.

Mr. Lawrence was born on August 16, 1926 in Chicago. He attended the University of Arizona from 1945 to 1947. He is married and has four children.

Mr. Lawrence's long involvement in business, civic and public service activities and his close relationship with the President make him an excellent candidate for United States Ambassador to Switzerland.

#### BIOGRAPHIC SUMMARY

Name: M. Larry Lawrence.

Position for which considered: Ambassador to Switzerland.

Present position: Chairman and Chief Executive Officer; Hotel del Coronado, Coronado, California.

Legal residence: California.

Office address: 1500 Orange Avenue, Coronado, California 92118.

Date/place of birth: August 16, 1926, Chicago, Illinois.

Home address: Coronado, California.

Marital status: Married.

Name of spouse: Shelia Davis Lawrence.

Number of children: Leslie Ann Caspi, Robert Scott Lawrence, Andrea Sue Lawrence, Stephanie Kinnamon Lawrence.

Education: University of Arizona, 1945-47.

Language: None.

Military experience: United States Merchant Marines, 1944-45.

Work experience:

1986—Present: Chairman and Chief Executive Officer, Hotel del Coronado Corporation.

1963-86: Chairman, President and Chief Executive Officer, Del Properties Incorporated.

1960-63: Owner and Chief Executive Officer, M. Larry Lawrence & Associates.

1954-60: Vice President, Tri-W Builders.

1950-54: Vice President, Great American Homes.

1948-50: President, Century Incorporated.

Honors/awards: Rotary, Paul Harris Fellow; Who's Who in America; California; World Jewry; Man of the Year, City of Coronado and County of San Diego; San Diego Citizen of the Year; Recipient, Alumni Achievement Award, University of Arizona; Recipient, Israel 40th Anniversary Gold Medal; Beta Gamma Sigma Honor Society; Outstanding Community Leadership Award, San Diego State University; The Alexis de Tocqueville Society—United Way; Israel Bonds Prime Minister's Club; Recipient, Russian Federation 40th Anniversary of the Victory in the Great Patriotic War Medal; Man of the Year, Saint Vincent de Paul Village.

Memberships/affiliation: National Advisory Board, Center for National Policy; Chairman, Economic Advisory Board of San Diego County, San Diego, California; Charter Member, California State Senate Commission on Efficiency and Cost Control in State Government; Life Member, the Guardians; Charter Life Member, San Diego University History Research Center; Navy League of the United States, 1976-84; Chairman, Israel Bond Campaign, 1972-93; Director, Greater San Diego Sports Association, 1980-84; Director, Vietnam Veterans Leadership Program of San Diego, Inc., 1980-84; Vice Chair, Nobel Peace Prize Nominating Commission, 1984-85; Life Member, President's Club, University of San Diego; John F. Kennedy Library Foundation Board; President's Council, Scripps Clinic and Research Foundation, 1984-93; The American Israel Public Affairs Committee Board, 1980-89; International Center for Development Policy, 1987-88; The Wellness Community Advisory, 1987-89; American Merchant Marine Veterans Association, 1975-93; Executive Committee, The Joan Kroc Hospice Center, 1987-88.

Mr. DODD. Madam President, I rise in support of the nomination of Sidney Williams to be the United States Ambassador to the Commonwealth of the Bahamas and I urge my colleagues to vote in favor of this nomination.

While there is no simple formula for a U.S. ambassador, there are certain qualities we look for in any candidate for such a position. We expect our ambassadors to have an ability to negotiate, an ability to listen and learn, and a solid record of achievement.

It is in this context that we consider Sidney Williams to be our Ambassador to the Bahamas. The Bahamas is perhaps not commonly regarded as our most strategic or our most essential



ally in this hemisphere. But our relations with the Bahamas are very important to be sure, especially in the context of the illicit drug trade and the need for the Bahamas' continued cooperation in stemming that evil tide.

Over the course of his career, Mr. Williams has had a wide range of professional experiences, from playing professional football to helping small businesses to working in local government. And there is ample evidence to suggest that he has done them well. This wide range of activities and experiences will no doubt serve him well in his new position should he be confirmed as our Ambassador to the Bahamas.

Since 1979, Mr. Williams has been a leading sales consultant with Mercedes-Benz, helping to formulate and to implement new sales strategies. From 1976 to 1979, he served as the project manager for the Community Development Agency of the city of Los Angeles, pioneering neighborhood revitalization programs. From 1974 to 1976, Mr. Williams served as a legislative deputy in the Los Angeles City Council, where he researched and crafted legislation, organized legislative hearings, and assisted in budget preparation.

From 1966 to 1974, Mr. Williams served as a business developer for the Black Economic Union, where he assisted in the development of business plans for small business owners and capital formation for struggling entrepreneurs. And from 1964 to 1969, Mr. Williams played professional football for a number of teams, including the Cleveland Browns, the Washington Redskins, and the Baltimore Colts.

Last November, I chaired a hearing on Mr. Williams in the Subcommittee on Western Hemisphere Affairs. I have also had the pleasure of meeting and getting to know Mr. Williams throughout the course of the nomination process. On the basis of these and other discussions with the nominee, I am confident that Sidney Williams will do an effective and capable job as our representative in the Bahamas, and I urge my colleagues to vote in favor of this nomination.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the legislative session.

#### GOALS 2000: EDUCATE AMERICA ACT

The PRESIDING OFFICER. The Senate will continue with the consideration of H.R. 1804.

The Senate continued with the consideration of the bill.

Mr. KENNEDY. This statement expresses my views and those of Senator KASSEBAUM on the National Skills Standards Board.

The managers' amendments to the Goals 2000 legislation included modifications to provisions in title V, the National Skills Standards Act. The following is an explanation by the managers of those provisions:

#### EMPLOYEE REPRESENTATIVES IN VOLUNTARY PARTNERSHIP

The employee representatives who are to be included in the voluntary partnerships are individuals recommended by national labor organizations representing employees in the occupation or industry for which a standard is being developed, and other non-managerial employees with significant tenure or experience, where appropriate, given the nature and structure of employment in that occupation or industry. Under this provision, this latter category of nonmanagerial employees may constitute the only employee representatives in the partnership if there are no employees represented by a national labor organization in the industry or occupation for which standards are being developed.

#### HUMAN RESOURCE PROFESSIONALS

The managers intend that the individuals appointed to the National Skills Standards Board under the category of certified human resource professionals be neutral, qualified experts in their field. The managers understand that there are organizations that certify human resource professionals as having met specific requirements attesting to their expertise and experience in the human resource field.

#### USE OF THE NATIONAL SKILLS STANDARDS BOARD'S ENDORSEMENT

The legislation prohibits the endorsement or lack of an endorsement of a skill standards system by the National Skills Standards Board to be used in any action or proceeding to establish that such system conforms or does not conform to the requirement of civil rights laws. It is the managers' intent that this title neither diminishes nor expands any of the protections provided under Federal civil rights laws, including the 1991 Civil Rights Act. Since the managers expect the skill standards developed under this title to relate to broad clusters of occupations and not to be designed for a particular job, the managers believe it would be inappropriate for the courts to give weight to the fact that the Board endorsed or did not endorse a standard in determining whether such standard is properly used in a particular case. Therefore, the use of the endorsement or lack of an endorsement, in and of itself, is prohibited. However, the managers intend that this prohibition would not prevent any studies or other information developed by the partnerships or the Board relating to a skill standard from being used in such legal proceedings where such studies or information is relevant to a particular position in question, in accordance with the requirements of current civil rights bill.

#### APPRENTICESHIP AMENDMENT

The managers intend that the purpose of the amendment is to clarify that in endorsing skill standards the National Board should not only ensure that skill standards meet or exceed the highest applicable standards used in other countries or the highest applicable international standards, but also the highest applicable standards used in the United States, including the apprenticeship standards registered under the National Apprenticeship Act. This clarification ensures that the standards endorsed by the Board are, in fact, the highest standards in the world. The intent of this amendment is to ensure that board-endorsed standards contribute to the development of a high skills, high performance work force in the United States that is second to none, and are not used to undercut or dilute any existing standards.

Under this amendment, where there are existing standards specific to the particular occupation and industry for which proposed standards are being endorsed, it is intended that the proposed standard meet or exceed those existing standards. However, it is important to note, that it is intended that the Board will primarily develop standards for broad clusters of occupations. These standards will be sufficiently general in nature to allow industries and employers to adapt and refine the standards to meet their particular needs. Therefore, for many of these occupational clusters, there may not be any existing standards that are applicable. In other cases, there may only be sections of existing standards that would be applicable.

#### ADMINISTRATIVE COST LIMIT

The managers' amendments include a provision to facilitate the start up of the National Board by delaying the application of the 20-percent administrative cost limitation until fiscal year 1995. The managers recognize that prior to awarding grants to voluntary partnerships to develop skill standards, the National Board will have to carry out a number of preliminary activities, such as the hiring of staff, arranging for facilities, developing criteria for awarding the grants and endorsing standards, and encouraging the formation of partnerships, that will necessitate a significant proportion of administrative expenditures, for example, conducting meetings and conferences to promote and ensure public participation in many of these activities. These upfront costs require that flexibility be provided to the National Board with respect to cost categories during fiscal year 1994. However, this provision is not intended to encourage the National Board to expand all first year funds on administration and the managers urge the National Board to move as expeditiously as it can in a responsible manner to be in a position to award grants to the partnerships and carry out its additional supportive activities.

Mr. ROBB. Mr. President, I am pleased to join so many of my colleagues today in supporting S. 1150, the Goals 2000 Educate America Act. This bill has been developed in a bipartisan manner by distinguished Senators on both sides of the aisle who care very deeply about the quality of education in our Nation.

And the result of that hard work and cooperation is an eminently reasonable bill that makes the Federal Government a better partner with States and localities in improving public education in this country, while allowing the most important decisions on the direction of educational reform to remain where they should be—right with our States and our communities.

Mr. President, during the time that I was privileged to serve the people of Virginia as Governor, I made education a top priority. By making many tough choices, we were able to put a billion dollars in new money into public education. We raised teacher salaries and toughened standards, created the first year-round Governor's Schools for the Gifted and the Commonwealth's first electronic classroom.

Our students responded, Mr. President, with test results which surpassed the national average in every category for the first time ever.

I recall, as Governor, testifying before congressional committees, and asking, not for more Federal dollars, but for freedom from more Federal mandates.

This bill is not another Federal mandate, Mr. President. Rather, it is a voluntary program which provides flexible incentives to interested States to work to improve their public schools.

Some of my constituents expressed concern to me that, to qualify for the Goals 2000 funding, States must undertake fundamental restructuring. While I believe we need to improve the status quo in many ways, I did not believe that the term fundamental restructuring, which was included in section 306(a) of the committee-passed version of S. 1150, accurately reflected the reasonable State and local flexibility inherent in the plan's approval criteria.

For that reason, I asked the chairman of the Labor Committee, Senator KENNEDY, if he would simply eliminate the words fundamental restructuring in portraying the State improvement plan in that section of the bill. Senator KENNEDY kindly deleted these words in the managers' amendment offered during floor consideration of S. 1150, and I appreciate his willingness to work with us in addressing a concern expressed to me by some Virginians very interested in this legislation.

Mr. President, I am supporting S. 1150 because it gives our States an additional tool in crafting their own State and local reform efforts. With this new funding States can, if they choose, work to establish tough aca-

demic standards, create a system of assessments to put real accountability into our schools, and expand efforts to better train teachers and give them the tools they need to teach our kids.

I support all of these important goals.

As a Nation, Mr. President, we can make no better investment in our future than to make an honest investment in our children's education. I urge my colleagues to join me in supporting S. 1150.

Mr. CHAFEE. Mr. President, today the Senate approved the Goals 2000: Educate America Act. Regrettably, I was not here earlier in the day to vote on many of the remaining amendments to Goals 2000. As some of you may know, I was at home in Rhode Island attending the funeral of a young police officer, Steven Shaw, who was slain in the line of duty.

Goals 2000 is a very important step toward achieving the improvements in education that our Nation's children deserve and that we have been discussing for a decade. Since the issuance nearly 10 years ago of the special report, "A Nation at Risk," our focus has been on what is wrong with education. This bill encourages States, local education agencies, and individual schools to look at what is right in education and to use that as a model for improvement and reform.

To help in encouraging this practice, the National Education Standards and Improvement Council will develop national opportunity-to-learn standards, content standards, and student performance standards and assessments. This does not mean that the Federal Government will dictate to schools in Providence and Cranston, or anywhere else in Rhode Island or the Nation, what goes on in the classroom. Rather, the Council will develop guidelines that States receiving grants through this legislation should consider in the development of education reform plans. In other words, the Council is charged with developing standards to stimulate improvement at the local school level. After all, it is the principals, administrators, teachers, and parents who know best about the strengths and weaknesses of their own schools.

This bill takes a bold and positive approach by recognizing that every child has the ability to learn and by taking steps to assure that the tools are available to enable all children to reach their full potential. Setting high standards for teaching and learning and making sure that students have mastered the material presented to them is long overdue.

An effort was made to divert funds authorized in this legislation for a private school choice demonstration program. Supporters of private school choice often suggest that this will encourage competition between public and private schools. Presumably com-

petition should occur on a level playing field, but the playing field between public and private schools is far from level. Private schools can refuse to accept a child with disabilities. They can refuse to accept a child who may pose disciplinary problems. They do not have to take a child whose principal language is one other than English. In the public schools in Providence, there are children from families who speak one of 82 different languages at home! Private schools are able to pick and choose the children they will accept.

We don't need to fund a demonstration program to know what the results of such a program would be. The results would show that the public school children who were sent to the private schools did better than the average public school child. Why would it show that? Because the children selected from the public schools would be the high achievers, the children without disciplinary problems, the children without learning disabilities. They would be the children from homes whose principal language is English. They also would be the children from motivating families with parents who play an active role in their children's education. The students who pose the greatest challenges to our public school system would not be affected because the private schools would reject them. The final result would be that the private schools would skim the high achievers from the public schools, and the public schools would be left with all the challenges.

I am very pleased that the committee included in the bill that was brought to the floor a measure I strongly supported: a seventh goal for increased parental participation. This is a provision that was endorsed by both the national and the Rhode Island PTA. It is clear to me that without parental involvement in education, there will be no real reforms and improvements. This goal calls upon parents to become partners with their children's schools. I believe that parents must play an integral role in the education of their children. Experience has taught us that children whose parents are actively involved in the educational process simply do better in school than children whose parents or families are disengaged.

This bill includes other important amendments related to parental involvement that I cosponsored: the Parents as Teachers Program [PAT] and the Home Instruction Program for Preschool Youngsters [HIPPY]. Both of these programs operate successfully in Rhode Island and across the Nation. Their purpose is to ensure that all children start school on the right foot.

For many of us, having our children's eyes and ears tested is as natural as reading a bedtime story to them. Unfortunately, many new parents are unaware of, or unable to provide, proper health screening for their very young



children—just as they are not familiar with the benefit, and pleasure, of reading to their very young children. The PAT program enables eligible parents of newborns to 3-year-olds to receive instruction and assistance in their own homes on the most beneficial ways of encouraging children to reach their full potential. HIPPO offers similar instructional assistance to children ages 3 to 5. The first goals of Goals 2000 is, "All children will begin school ready to learn." These two important programs, with a proven track record of success, will help us to achieve that goal. Many experts agree that the foundation for learning that is laid in early childhood can be the most critical element in an individual's future success.

I want to take a moment to focus on a particularly important challenge that—unfortunately—our schools face today. The role of our schools has changed drastically in the past three decades, and schools have taken on extraordinary new burdens. Today we are seeing youngsters with learning disabilities; youngsters who don't get enough to eat; youngsters born with a drug or fetal alcohol problem; youngsters from totally shattered families. As a society we expect that our schools will take in these children and help make them whole. That is quite a task, and it means that educating these children is that much more difficult. Yet in the face of these increasing challenges, we now have an element that makes our work even more difficult: and that element is guns.

There are 72 million handguns in this country, and their number is increasing at the staggering rate of 2 million per year. The sheer number of these guns is impacting heavily on our schools, for if these guns are in general circulation, there is no doubt that they will end up in our schools as well.

Children of all ages, in every State across the Nation, have access to guns. Just last November, a joint study by Newsweek magazine/Children's Defense Fund found that 31 percent of the youngsters surveyed knew where to go to get a handgun if they wanted one. It should come as no surprise, therefore, that the Centers for Disease Control and Prevention estimates that 4 percent of high school students carry a handgun at least once a month; with 16.7 million high school students, that percentage translates into a whopping 666,000 teens who are toting guns.

If handguns are being carried regularly by children, you can be sure that they are being carried into our Nation's schools. An estimated 270,000 boys have brought a gun to school at least once, and 135,000 boys are believed to bring a gun to school every day! The presence of these guns creates a terrible ripple effect: a child sees another student carrying a handgun, and decides to carry his or her own gun just to be safe. Then that child is seen by another child, and so on, and so on.

When I was Governor in my State, the worst one might hear of at the schools was a fistfight. A gun incident, or shooting, was unheard of. My State is not a major urban area. Yet this year we have seen a dozen gun incidents in our schools. Just recently, a 16-year-old Mt. Pleasant High School student told police that another student had threatened him in a school corridor with a small pistol.

Guns in our schools is not a problem confined solely to New York City or Detroit. It occurs across the country. Just 2 weeks ago, in Columbia, SC, a boy was shot four times at his high school. Last November, in Bellevue, IL, a seventh-grade boy brought a gun to school. In May, in Princeton, WV, a teenage boy walked into his biology class, and, using a gun smuggled into school in his gym bag, took the class hostage. At a high school in Irving, TX, a 17-year-old boy walked up to another student and shot him in the neck; the reason was a fight over a girlfriend. In St. Louis, a teenage girl, upset after her boyfriend broke up with her, shot him in the head and killed him at school last March. One year ago, in Grayson, a 17-year-old brought a small handgun to school and killed a teacher and a janitor. This is a handful—a mere handful—of shootings that occur daily in this country; few States are exempt.

What is the only route for school administrators to take? To ensure the safety of all who are in the school, administrators are forced to divert scarce funds from books to \$4,000 metal detectors. Some schools are beginning to resemble armed camps. But more and more school districts are using such equipment: In July of 1992, 25 percent of the 45 largest school districts were using metal detectors; today, 69 percent are using them.

The presence of guns in schools diminishes the work of educators across the country. For how can any child learn in an environment of fear? We stand no chance of improving our educational system unless we first ensure that our heavily-burdened schools are free of guns and the violence that results.

I am pleased, therefore, that Goal Six of the legislation before us reads as follows:

By the year 2000, every school in the United States will be free of drugs and violence and will offer a disciplined environment conducive to learning.

I successfully offered an amendment to this bill that amends Goal Six to include the word "firearms." Goal Six now will read "every school in the United States will be free of drugs, firearms, and violence." This amendment is just a one-word change. But I believe that it behooves us to be as firm as possible: The presence of guns—highly effective, dangerous, and lethal weapons—in our schools is simply intolerable. We must allow our children to

learn in peace. I hope my amendment states the intention of our Government to do so, as clearly as possible.

Another key amendment dealing with guns in our schools was adopted during floor debate, and as a cosponsor of that amendment, I believe it will make a difference in combating school violence. The Safe Schools amendment authorizes Federal grants to school districts to fight violence in their schools. The money may be used for planning strategies to prevent violence, conducting safety reviews, developing violence prevention activities, providing counseling for victims of violence, and even purchasing metal detectors and other security equipment. This is an important step toward ensuring our schools are safe.

In sum, Mr. President, the Goals 2000 legislation is right in line with reform efforts that are underway in Rhode Island and many other States. Passage of this legislation brings us one step closer to forging a new and constructive partnership between every school, school district, State, and the Federal Government. It is through this partnership that our children will receive the world class education they deserve.

Mr. BIDEN. Mr. President, 10 years ago, we were told that America was a Nation at risk. We were told that if a foreign power had imposed such an educational system on the United States, we might very well consider it an act of war.

That report was our wake-up call. Or was it? What has happened since then? There have been more reports and more studies and more stories on how desperate our public education system is. Yet, there has been very little action at the Federal level. Granted, some the doomsaying rhetoric has been overblown. But, every one who has a child in school—and every child in school—knows that we can do better. We can demand more of our parents, our teachers, and especially our students.

We can work to see that all students start school ready to learn; that the high school graduation rate is increased to at least 90 percent; that all students meet the highest standards in English, math, science, civics, history, art, and geography; that American students rank No. 1 in the world in math and science achievement; that we eradicate illiteracy; that all schools are free of violence and drugs; and that all parents are involved in the education of their children.

These, Mr. President, are the national education goals established at the education summit in 1989 by President Bush and the Nation's Governors, led by then-Governor Clinton. Today, those goals are before us in the Goals 2000: Educate America Act. I am pleased to support this legislation. Perhaps we in Congress are finally ready to foster reform of our Nation's public school systems.

Goals 2000 establishes national goals and standards to which every American school and every American student can strive. For if we are to improve our educational system, national costs must be established and the highest standards set. Our young people must be equipped with the skills and knowledge needed to get good jobs and to help American industry compete effectively in the global marketplace. National goals and standards—not imposed on the States, but established as measurements by which all States can gauge their achievement—are essential to the reform effort.

What is also essential—and what is also provided for under this bill—is Federal support for local reform plans. My State of Delaware recently launched a statewide comprehensive educational reform effort. Under the outstanding leadership of State Superintendent Pat Forgione and State Board President Paul Fine, "New Directories for Education in Delaware" is ready to be implemented. The State has committed funding, and each of the 19 school districts have committed their own resources toward ensuring that the public schools in Delaware meet the highest standards. Indeed, the Delaware plan was developed with the national education goals in mind.

But, the money the State and the districts have pledged is simply not enough. The task is just too daunting. The State and the local schools need the Federal Government's help. The local schools of Delaware need Federal financial assistance with few strings attached to allow them to innovate—to adopt school reforms tailored to the needs of the local communities. Experience has proven that decisions on education policies are most responsive and efficient when made by local communities.

And, that's what the Goals 2000 bill does. Reform—fundamental reform—will occur where it should—at the local level. Indeed, 85 percent of the State grants provided under this bill must be passed on to local schools with few strings attached. Each school—whether urban or rural, big or small—will in turn be able to adopt those reforms that will best meet the needs of the students at that school.

Furthermore, with the regulatory flexibility provisions of the legislation—as well as with Senator HATFIELD's flexibility amendment that I supported—States and local schools will have an even greater opportunity to provide a top-quality education as best as they see fit. All the Federal Government is demanding is that States, schools, and students make real and measurable progress toward high educational achievement.

It sounds so simple, so basic, and such a common sense approach to the Federal Government's role in education reform. Yet, the misinformation

about this bill abounds. So, let me take just a moment to debunk the myths—and reiterate the facts.

Goals 2000 does not establish a national curriculum. Rather, it establishes national goals outlining where we as a Nation should go and voluntary standards to measure how successful we are in getting there. Goals 2000 is not a one-size-fits-all education reform plan mandated from Washington. Rather, it allows each school to make the reform decisions. And, Goals 2000 does not promote, endorse, encourage, or establish a system of so-called Outcomes Based Education. Rather, this bill seeks to raise the standards of all schools and all students—not dumb them down.

Mr. President, 10 years ago, the Nation was told our public school system was in need of repair. Two years ago, we debated education reform legislation very similar to that before us today—only to have the conference report killed because of a Republican filibuster in the waning days of the 1992 session. Because of these delays, we have lost precious time. Meanwhile, too many of America's children have continued to move through a public school system that desperately needs improvement. Let's not lose any more time—or any more of our children.

Mr. LAUTENBERG. Mr. President, I rise in support of the Goals 2000: Educate America Act. I am a cosponsor of this legislation.

Mr. President, this legislation codifies the existing six education goals that President Bush and the Nation's Governors agreed to in 1990. It also adds a seventh goal calling for increased parental involvement in education. I strongly support the addition of this goal. Children must receive encouragement at home as well as at school.

Mr. President, this legislation also establishes a National Education Goals Panel that will give us a bipartisan reporting on what type of progress we are making towards achieving the seven national education goals. It will also review voluntary national content standards, voluntary student performance standards and voluntary opportunity to learn standards. These voluntary standards will challenge our schools, teachers, students and parents to strive for tangible goals that will ultimately improve our elementary and secondary educational system.

This bill also includes a grant program for State and local school districts to develop innovative, "break and mold" schools. These grants may go to States and school districts for innovative programs like public school choice, public charter schools, magnet schools, curriculum improvement and teacher training. These grants will help stimulate more innovation in our Nation's schools.

Mr. President, we need to begin a national crusade to improve our schools.

While the Federal Government only funds about seven percent of all education expenditures, it can help serve as a catalyst to spur educational reform in our Nation's schools. Improving the performance of our schools and students is critical to our Nation's ability to compete with other countries like Germany and Japan. This bill represents a good start in this direction.

Mr. President, this bill is supported by a broad range of organizations including the National Education Association, the PTA, the Business Roundtable, the U.S. Chamber of Commerce, and the College Board.

Mr. President, this bill also includes an amendment I offered entitled Pro-Kids. Pro-Kids will make all schools smokefree along with all other Federally funded children's programs. I am hopeful that the conferees will retain this amendment and prevent our Nation's children from breathing second-hand smoke—a substance that EPA has determined is a group A carcinogen responsible for 3,000 lung cancer deaths per year and thousands of childhood illnesses.

Mr. President, I urge my colleagues to support this legislation.

#### SCHOOL VIOLENCE PROVISIONS

Mr. DURENBERGER. Mr. President, I rise to comment briefly on what I know is a growing level of concern in this body—and in the Nation as a whole—about violence in schools. In particular, I was pleased to support the amendment offered by Senator DODD incorporating into this legislation, S. 1125, the Safe Schools Act of 1993.

I do so with the understanding that this is an interim measure designed to authorize the Secretary of Education to make grants to school districts for violence prevention programs during the next 2 years. In particular, it will allow the Secretary to use up to \$20 million, which has already been appropriated for the current fiscal year, for these purposes.

This interim measure will also give Congress the time it needs to consider the administration's proposal to add violence reduction to the mission of the Drug Free Schools Program which is being reauthorized as part of the Elementary and Secondary Education Act. That reauthorization will take place later this year.

Mr. President, I supported Senator DODD's amendment because I believe all levels of government must respond to the growing incidence of weapons possession and violence in our Nation's schools.

A recent national survey found that nearly 20 percent of 8th, 10th, and 12th graders had been threatened with a weapon at school and nearly 10 percent had been injured. One out of every five high school students regularly carries some type of weapon. And many of these weapons are carried to school.

Mr. President, it is clear from this and other studies that disputes among



young people that traditionally had been settled with words are now being settled with fists. And disputes that traditionally were settled with fists have now become knife or gun fights that too often end in life-threatening injuries or even death.

Overall, nearly 3 million thefts and violent crimes occur on or near school campuses every year, totaling almost 16,000 incidents every school day. And 12 percent of violent crimes in schools involve weapons; with nearly 500,000 teens being victimized annually by a violent crime occurring at or near school.

Minnesota—despite its peaceful tradition and strong record in education—is no exception to this national trend.

Statistics on weapons-related incidents are too infrequently kept by schools and districts who fear negative publicity and even increased fear among parents and students. But to its credit the St. Paul School District did recently complete a survey to help document the level of gun and other weapons offenses in its schools.

That survey found that, in the 1992-93 school year, the St. Paul schools had 58 dangerous weapons violations, including 36 that involved knives, 8 with pellet or BB guns, 9 with handguns, and 5 others. Students ages 12 to 17 were involved in these incidents, which resulted in police notification, suspension, and/or expulsions.

There is no question that the growing level of crime and violence in schools is a detriment to both teaching and learning. Both students and teachers report an increased preoccupation with personal safety concerns that get in the way of their studies and work.

That is one reason that President Bush and the Nation's Governors included drug and violence prevention as one of the national education goals, goals that are being placed in law in the legislation we are now about to approve.

We simply cannot expect students to learn—or teachers to teach—if they come to school every day in fear of their personal safety.

Having made that point, I want to caution all of us not to count on this amendment—and the limited Federal funding it will authorize—to solve all the problems related to guns and violence in our Nation's schools. Typically, we are using a single, poorly funded categorical program—aimed at schools—to address a complex, community-level problem.

The use of guns and other violent behavior by young people most often reflects deeper problems, including problems at home. For example, a recent survey by Minnesota's Johnson Institute found that junior and senior high school students who experience alcohol and other drug use problems are:

Twice as likely to instigate physical fights and have trouble concentrating;

Three times as likely to be truant from school; and

Four times more likely to commit vandalism.

These and other youth survey results help make the case for the administration's proposal to combine violence and drug/alcohol prevention programs as we reauthorize the Elementary and Secondary Education Act later this year.

Another survey of Minnesota young people found strong links between students' behavior and their own home environments. The most recent Minnesota student survey, done by the Minnesota Department of Education, found strong correlation between abusive behavior at home and alcohol and other drug abuse. The survey is conducted of Minnesota adolescents in grades 6, 9, and 12.

These and other surveys document the need to approach growing violence and other behavior issues involving young people on a community-wide basis, not just focusing on schools.

Typically, however, when society spots new issues or problems involving its younger citizens, it adds responsibility for dealing with those problems to already overburdened teachers and others in schools.

I believe it is time for the larger community to take more responsibility for these issues—beginning with parents, but also involving local governments, nonprofit agencies, employers, and others. Without that kind of combined effort, we will not have either the resources or the capabilities to deal with violence and other behavior problems facing young people in a truly effective manner.

One good example of how that can be done is the use that Minnesota is making of the Governor's discretionary grant it receives under the Drug Free Schools Program.

For the past several years, Minnesota has made both planning and implementation grants to several dozen colocation projects which combine access to a number of different community services in or near schools.

I have visited with individuals involved in a number of these projects and have found them to include broad community support and involvement. And, although it is too early to see definitive results, there are indications that this kind of pooling and collocating of resources can both spread scarce resources further and improve access to needed services by both young people and their families.

I am pleased, Mr. President, that the amendment offered by Senator DODD requires collaboration among a variety of education, social services, and law enforcement agencies in each community. And, as we make this Federal contribution to solving a much larger community need permanent, I would hope we will learn from the experiences

of States like Minnesota that are promoting broad community support and responsibility.

One of the lessons learned from States like Minnesota is that the solution to problems of violence and disruption in schools must be designed by each school and each local community to fit its unique circumstances.

In some cases, those problems may require tough solutions that involve law enforcement agencies and tools like metal detectors and other measures designed to remove weapons and individuals from schools who can only be regarded as violence-prone criminals.

In other cases, preventive measures are more appropriate. And beginning such measures at a young age—in elementary, middle, and junior high schools—can be a very good place to start.

One example of this type of approach to preventing violence is a Peer Mediation Program which is being used successfully in a number of schools in Minnesota, including Lyndale Elementary and Anthony Junior High Schools in Minneapolis. In all, some 45 schools in Minneapolis are currently developing peer mediation programs as part of the Minneapolis School District's efforts to make conflict resolution and peacemaking an integral part of teaching and learning.

Because of the exciting potential that peer mediation programs hold, Mr. President, I would ask that a recent article in the Southwest (Minneapolis) Journal describing its effects at Lyndale and Anthony Schools be printed in the RECORD at the conclusion of my remarks.

Finally, Mr. President, I want to pay special tribute to our distinguished colleague from Connecticut for his leadership in addressing the growing concerns that Americans have about violence and disruption in our schools.

The Goals 2000 proposal is a better bill because of his insistence that we include his safe schools amendment. And I look forward to working closely with him, with other Members of this body, and with my constituents in Minnesota as we enact this and other related legislation in the coming year.

I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLVE IT YOURSELF: STUDENTS SHOW HOW TO MAKE SCHOOL A SAFER PLACE

(By Mark Anderson)

A distressing change that's taken place in both city and suburban schools the last several years has been the apparent increase in violence.

School leaders, politicians, parents, and students are all searching now for changes that can ensure again that school will be a safe place for children and for learning.

An important step toward providing that assurance, according to the Minneapolis schools, is achieved in a strategy they've

been implementing in the district the last several years.

Their idea: Let the students handle it.

Forty-five schools in the district are in the midst of developing peer mediation programs, one part of a district-wide curriculum to make conflict resolution and peace-making an integral part of learning for students and teachers.

Lyndale School, at 34th and Grand Avenue, celebrated the second year of its peer mediation project last month, with an assembly honoring its 56 mediators.

Students heard Mayor Sharon Sayles Belton, District Court Judge Isabel Gomez, and Superintendent Peter Hutchinson all praise their efforts that day, and they also received new mediator uniforms: purple jackets emblazoned with the program logo, HELP—Here Everyone Learns Peacemaking.

At Lyndale, two mediator partners are assigned each period to monitor the playground, lunchroom, and hallways. They're trained to intervene when a scuffle or argument develops, pull the belligerents to a designated mediation spot and sort out the dispute.

"What we have them do is talk about what they're mad about," according to mediator James Capehart, a fifth-grader. "They may not even know what that is. Most of the time it works."

James and his colleagues learned their mediation skills in 10 weekly classes where they talk about what causes conflicts and strategies for defusing them. They get hands-on training through role-playing, which students say turns out to be a lot like the real thing.

Still, performing that first actual mediation with a couple of angry students wasn't easy.

"I didn't know if I could remember all the steps, and the first time I did it, it felt really weird," says Mahaulo Andersen. "But when I got started, it went OK."

Candace Murphy, another fifth-grade mediator, explained the ground rules that the disputants must accept in order to do a mediation. "They have to agree to try to solve the problem, not to interrupt or call each other names, and to tell the truth." The mediators also agree that their meeting will be confidential and they won't spread any tales later.

Marlys Svobodony, coordinator of the Lyndale project, says that the mediation and other peacemaking activities are important not only because they teach valuable skills for resolving conflicts, but also because they're improving the school environment. The youngsters have often succeeded at resolving disputes that adults couldn't, she said.

"It's so important to kids that they're listened to and their side is understood. Other kids are better at that kind of listening than adults often are. When they go through the mediation process they take time to make sure everyone is heard."

It's not uncommon for a busy adult to handle the dispute "by simply telling the kids to stay away from each other," a tactic that may stop the fight but doesn't end the anger and misunderstanding, according to Svobodony.

Cheryl Pittman, an Anthony Junior High teacher who has conducted peace-making activities—including peer mediation—for three years, says it's very important to help junior high aged kids resolve conflicts. Her students, who are entering adolescence and a demanding new social environment in junior high, face bewildering problems that often lead to anger and frustration.

"But junior high kids don't want to get into fights," she said. "They want to work things out and save face, but they often don't have the skills to get it done."

Pittman admitted to a little skepticism when mediation was introduced. "I thought it might be a goody-goody thing, attracting only the best-behaved, straight-A students."

But she was surprised by how many students want to get involved.

"And it was really 'peers' joining in, and that's important. We have kids who are streetwise and who could gain the respect of a wide range of students."

Results are hard to measure, but at both schools there's a lot of anecdotal evidence that says mediation and the other peace-making efforts work. Pittman and Svobodony say they've gotten calls from family members reporting that children are now "mediating" at home with siblings and that students feel better about going to school. And, at both Lyndale and Anthony, mediations are frequent and detentions for student fights have dropped.

Although the fundamental reason for teaching peacemaking is probably to teach valuable life skills, Lyndale Assistant Principal Donna Amann cited another very practical reason for educators to embrace the approach.

"About 50 percent of teacher time is spent dealing with conflicts. If we can teach kids to solve their own conflicts, we have a lot more time to get down to the business of good teaching."

#### OPPOSITION TO THE MACK AMENDMENT

Mr. DURENBERGER. Mr. President, I rise to briefly state my reasons for opposing the amendment by the distinguished Senator from Florida to change the funding formula for the planning and school improvement grants authorized by this legislation.

I oppose this amendment, Mr. President, because I believe it upsets a very delicate balance now in the Goals 2000 legislation between the role of national and State governments and local schools and communities in promoting and supporting education reform.

The junior Senator from Florida is correct when he points out that education improvement in this country will depend on thousands of individual communities acting on their own to tailor school reforms to meet their unique local needs. That's one reason, Mr. President, that I so strongly oppose the kind of uniform, top-down approach to school improvement represented by so-called opportunity-to-learn standards.

Under virtually all State constitutions, however, State governments play an essential role in financing and policy setting for elementary and secondary education. No significant reforms in local schools will take place without the leadership, authority, and, ultimately, deference of State governments.

So, it is essential, Mr. President, that the role of State governments be recognized in this bill. It's appropriate that States be the conduit of funds for

local school improvement initiatives. And, it's especially appropriate that States be able to reserve a small portion of the funds they receive to help design and implement the kind of policy changes that—under the distribution of authority we now have—only States are in a position to initiate.

To adopt this amendment, Mr. President, would be to ignore that reality and to do serious damage to the essential role that States must play in encouraging and supporting education reform.

I yield the floor.

#### THE COATS-LIEBERMAN AMENDMENT

Mr. DURENBERGER. Mr. President, I rise to support the amendment offered by my distinguished colleagues from Indiana and Connecticut which authorizes a limited demonstration of ways of expanding school choices for parents of low-income children—including the option of choosing a non-public school.

As my colleagues know, my own State of Minnesota has taken the lead nationally in expanding the right of parents to choose which school their children will attend. Minnesota has also been at the forefront of efforts nationally to expand the number and diversity of schools that parents may choose from.

Along the way, Minnesotans are redefining what we mean by public education.

In Minnesota, for example, public education now includes charter schools—schools that are started and run by parents and teachers under a contract with a local education agency or the State board of education. Several of these schools are designed to serve students with special needs, including students who have not succeeded in a traditional school environment.

In Minnesota, public education also includes a program called post-secondary options under which high school juniors and seniors may take college courses at public expense at either a public or private college or technical institute.

In Minnesota, public education also includes a number of schools run by nonprofit organizations under contract with the Minneapolis, St. Paul and other school districts. These contract schools also include several institutions that serve at-risk students, students with special needs, or others for whom traditional public schools may not be the ideal setting.

Although these contract schools must be nonsectarian, Mr. President, there are also special circumstances under which public schools may contract with a sectarian nonpublic school to educate an at-risk high school junior or senior.



My point here, Mr. President, is that, even in a State which is known for its leadership on public school choice, we are using a number of different ways of delivering what is a new and broader understanding of public education.

Increasingly, that definition focuses on results—on accountability for what students actually learn. And, we're also defining public education by assurances that all students will be admitted—regardless of race, religion, academic ability, income, or other personal characteristics.

Quite frankly, Mr. President, I don't know what role traditionally defined nonpublic schools should be playing in this new world of public education. I'm not even sure that a lot of nonpublic schools will want to be subject to the kind of accountability that will inevitably go with receiving public funds.

But, I do know that the amendment Senators COATS and LIEBERMAN have placed before us offers a reasonable and nonthreatening opportunity to help answer these questions.

This amendment authorizes a demonstration that requires the full participation and support of the local school district. Only low-income students and their families would be allowed to participate. Civil rights protections are included, as are assurances that local desegregation plans would not be disrupted.

This Senator believes that sounds like a very reasonable and sensible proposal that this body ought to be willing to adopt.

I intend to support this amendment, Mr. President. And, I urge my colleagues to support it, as well.

I yield the floor.

#### OPPOSING THE HELMS AMENDMENT

Mr. DURENBERGER. Mr. President, I rise to oppose the amendment offered by our distinguished colleague from North Carolina which prohibits the use of Federal funds for programs which distribute condoms in schools without parental consent.

I want to make it clear, Mr. President, that I also intend to support an amendment by our distinguished colleague from Massachusetts which encourages parental participation in school-based programs which distribute condoms or other family planning information.

My reasons for these votes, Mr. President, reflect both my views on the proper Federal Government role in deciding what goes on in local schools and the experience that my own State has had in dealing with these highly emotional and controversial issues.

There are some exceptions, Mr. President, regarding fundamental human rights. But, in general, I do not believe we at the national level should be telling local school boards and communities how to run their schools.

We should encourage the establishment of high standards—and that's exactly what we're doing in this bill. And, we should set up ways of holding schools accountable for meeting those standards.

But, in general, Mr. President, I believe the best thing we're doing in this bill is making it easier to "get out of the way"—to replace cumbersome and unneeded Federal mandates with new ways of holding schools accountable for what students actually learn.

The amendment offered by the Senator from North Carolina takes just the opposite approach, Mr. President. I believe it is inconsistent with the general direction now being taken in this bill—away from telling local school boards and communities what they can and cannot—and must and must not—do.

I also oppose this amendment, Mr. President, because our own experience in Minnesota suggests that it is unnecessary.

In the Minneapolis public schools, for example, a very well-developed system of school-based clinics has been established with strong input from parents and others in the local community.

And, one essential component of that program is the option that each parent has each year to limit access to services offered in those school-based clinics for their own sons and daughters.

Minneapolis public schools parents actually have three options each year—to place no restrictions on access by their son or daughter to school-based health services, to prohibit access entirely, or to limit access to services other than family planning services.

That system was developed by a broadly representative group of parents, church leaders, teachers, health professionals, and others. It has worked well. And, more than anything else, Mr. President, it demonstrates that each community is best left to address this issue on their own.

I yield the floor.

Mr. HATCH. Mr. President, I know I am not alone in believing that we need to help our schools prepare our young people to lead productive and satisfying lives.

I feel strongly, as I am sure we all do, that nothing is more important than securing a future in which our children will be able to compete and succeed in a global economy, in which they will be able to cope with everyday life, and in which they will be able to appreciate those things that make life rich and rewarding.

I am sure that everyone here has read the alarming statistics about the performance of American students in international comparisons, particularly in core subjects such as science and math. And, I was very disturbed to discover that, among eight industrialized countries, the United States is the only one where people over 55 do

better at geography than recent high school graduates.

There are encouraging signs, however. I, for one, do not have to look far.

Utah has always made education a top priority. Despite demographics that make school financing a tremendous challenge, The State of Utah has a highly successful educational system and a successful collaboration with our local school districts.

Utah ranks third in the Nation in State government expenditures for education per \$1,000 of personal income.

For every \$1,000 of personal income, Utah spends \$73.87 on education; average is \$42.87.

Utah ranks first in expenditures for higher education.

Utah has the highest literacy rate in the United States.

Some 85.1 percent of Utahns age 25 or older have a high school diploma—second in the Nation.

Utah students score above the national average on SAT and ACT tests.

These are just a few of Utah's achievements in education. I am proud of my State. Utahns have long taken the view that a quality education is essential for our State and our Nation's future. That is why Utahns tax themselves so heavily to support our education system.

It is also why in 1987 the Utah State Board of Education appointed the Strategic Planning Commission. Comprised of Republicans and Democrats, from both the private and public sector, this commission examined all aspects of Utah education and published its report in 1988. Our distinguished colleague and my good friend, Senator BENNETT, then a corporate leader in Utah, served as the chairman of this commission. I am sure he would be pleased to elaborate on the strength of this effort and the validity of its results.

The action plan developed by the strategic planning commission has provided the framework for Utah's initiatives in education since then.

Most recently, education has been at the forefront of Utah's centennial celebration as well. Utah's program for "Centennial Schools," awards additional funds directly to schools for innovative programming.

Mr. President, Utah is not stuck in the mud when it comes to education reform. My State has adopted changes in its system when such changes, in the judgment of the people of my State and their leaders, have appeared warranted or desirable. Utahns do not cling tenaciously to particular education policies or practices when they do not work.

Mr. President, Utah is not unique in this regard. As of 1990, 34 States had undertaken some kind of comprehensive school assessment and developed some kind of improvement plan.

And, according to information I have received from the Education Commis-

sion of the States, every one of these States has chosen to address its educational needs in a different way.

We must be careful, Mr. President, that we do not demand change for its own sake.

No one—certainly not a Federal institution such as the Department of Education or the National Education Standards and Improvement Council or the National Education Goals Panel—has the same direct stake in the success of local schools as do the parents and children who depend on local schools.

No one—certainly not a Federal institution—can deliver educational programs with the same sensitivity and accommodation to local needs as the schools' own teachers and principals. It is foolish to think that we here can legislate quality education through this bill.

In suggesting standards, assessments, or delivery standards, we cannot clone those teachers—who we can all name—who make the biggest difference in education.

We cannot create excellence in school leadership by legislative or executive fiat. Who could even describe in legislative language how thousands of talented elementary and secondary school principals have successfully motivated faculty and students? And, one principal's method at one high school in Salt Lake City, may not work at all in a high school in Vermont, Mississippi, Indiana, or anywhere else.

Mr. President, change should not be directed or supervised by the Federal Government. Change should be initiated, developed, and implemented by State and local citizens and their elected or appointed officials.

This bill, Mr. President, is an attempt to engineer change from the Federal level—otherwise why would Utah and 33 other States that already have education plans have to seek Federal waivers for them.

Utah, at both the State and local levels, is committed to the best education possible for Utah children. I have no doubt that the people of my State will continue to enact specific reforms that they believe will be effective and that will reflect the values, resources, and demographics of the communities they serve.

What we need, Mr. President, is more money. And, I must say, Mr. President, that Goals 2000 is sort of like dangling a thick, juicy steak in front of a hungry man. Goals 2000 contains the authorization for a \$400 million grant to States and, therefore, the prospect that States will receive additional financial help if they follow the prescribed outline for a State educational reform plan. I am sorry that so many States will be compelled by the need for additional resources that they will sacrifice more of their prerogatives in education.

What we need is more flexibility and fewer mandates. But, the planning process described in Goals 2000 does not promote flexibility. There is no way, in my view, that 50 State plans, developed under the same statute, evaluated under the same criteria, and approved by the same individual can avoid a trend toward the national homogenization of education policy.

I hope my colleagues recognize the Pavlovian effect here: Federal financial help if a State does it right—according to the criteria set up under Goals 2000. No funds if a State does it wrong, or merely chooses to do it its own way.

Mr. President, I also believe there could be unintended adverse implications for independent school improvement initiatives. Even in the absence of Federal incentives, many organizations and schools have initiated a wide variety of projects to help students learn. Of course, there are thousands of these; but, I would like to mention one that is particularly apropos inasmuch as this is Black History Month.

The organization Black Americans of Achievement has developed a board game that simultaneously engages students and informs them of the diverse and significant achievements of black Americans. Students learn in a setting that is challenging, yet enjoyable; academically important, yet engrossing; informative, yet creative.

In addition, the Burger King Corp. has participated in the promotion of the game and is sponsoring a national contest to reward kids who have excelled in learning about African-American history. This game, which is now in use in over 1,000 schools nationwide, serves as an excellent example of private and public sectors working together. It serves as a reminder that not every good idea comes from the Federal Government.

I agree that there is nothing explicit in this legislation that would prevent such initiatives from taking place. However, the top-down approach in the Goals 2000 legislation may have the unintended effect of stifling this type of endeavor. That, Mr. President, would be sad indeed.

There are other reasons for taking a second look at this bill, Mr. President.

First, this bill will create a bigger Federal education bureaucracy.

The bill codifies the National Education Goals Panel. Now, Mr. President, I do not have an objection to the National Education Goals. The goals are, I believe, useful for advancing the debate on education within States and within communities. But, I question how useful it is to codify the National Goals Panel and to give it an authorization of \$3 million the first year and such sums as necessary for the next 4 years.

The bill establishes a new entity called the National Education Standards Improvement Council [NESIC].

This organization has been charged with certifying the standards developed by the discipline-specific national education associations, such as the National Council of Teachers of Mathematics. It will forge these sets of academic standards into a set of national standards for curriculum content and student performance. It will also certify national opportunity-to-learn standards and assessments.

NESIC is authorized at \$3 million in the first year and such sums for the next 4 years.

I suppose this would be cheap at twice the price if one agreed that this was an important function of the Federal Government and essential to parents and children. Personally, I just see it as another Federal entity putting hurdles in the way of educational progress where it really counts—at State, local, and classroom levels.

The bill also establishes a National Skills Standards Board. We haven't focused much on the National Skills Standards Board. This is largely because the same arguments can be made about it as are being made about the other provisions of the bill.

I will just note that in some respects, I believe the long-term effects of the Skills Board could be more detrimental than the effects of NESIC. Why? Because occupational standards and credentialing at the Federal level—even implied credentialing—will keep many people out of the labor market. Setting up occupational certifications is merely going to set the bottom rung of the employment ladder a little higher and some people will not be able to climb up.

I know some businesses have endorsed this concept. I can appreciate their point of view—it is logical. But, then, these businesses are on the employment end—not the unemployment end.

The National Skills Standards Board is authorized at \$15 million in the first year and such sums for the next 4 years.

Second, the bill robs classrooms of vital assistance.

Mr. President, these three activities alone are authorized for \$21 million in the first year. That just about equals the cut President Clinton recommended in chapter 2. I remind my colleagues that chapter 2 is a flexible block grant program that targets assistance to classrooms.

The money allocated under this bill is for the development of educational plans. It's for process, not pencils. It's for bureaucrats, not books.

Let me say that another way. We are taking money out of classrooms and concentrating it here in Washington, DC.

The President has recommended \$175 million in cuts in chapter 2 and impact aid. I cannot in good conscience justify these cuts as necessary budget cutting



measures to adversely affected local school districts in Utah. President Clinton and this Congress are on the verge of a simple reallocation of these funds into Goals 2000. During this debate, we must not forget that this planning bill rides in here on the backs of programs that have an immediate impact on our children.

I do not doubt that the bill's proponents sincerely believe that this is a good thing to do, but I sincerely believe that it is not in the best interests of children in Utah, particularly since Utah is already operating under its own cogent education plan.

Third, the bill creates a system of stealth standards.

Mr. President, as I indicated earlier, I support the national goals. I have always supported national goals. I believe the goals contribute a great deal to the debate and help focus the efforts of all the components of our educational systems at all levels. But, there is a great chasm between national goals and federally mandated standards.

This bill is disingenuous in stating the so-called voluntary standards are in fact truly voluntary. According to the bill's proponents and apologists, a State is not compelled to have State-developed standards certified by the National Education Standards Improvement Council.

But, States are compelled to submit a plan. The plan must include various components, including provisions addressing opportunity-to-learn standards, which has become the new term for delivery standards. The plan must be approved before any money goes out the door.

It is the Federal level of government—the Secretary, along with peer reviewers—that will decide if a State's plan is up to snuff, and standards comparable in rigor to the national model standards will surely be a de facto requirement if not a de jure one.

I respectfully suggest to my colleagues that these aren't voluntary standards, Mr. President, these are stealth standards, clouding the issue, and flying under the radar screen.

Mr. President, one of my constituents, Mrs. Cherilynn Gulbrandsen of Provo, UT, took the time to send me her comprehensive analysis of Goals 2000. She recognized, as I am sure other citizens have as well, that these newly sanctioned Federal entities will inevitably involve some element of partisan politics. She wrote:

Appointees [to NESIC] are sure to be partisan, slanting the curriculum toward the political ends of the party in power. \*\*\*

She cited the spate of politically correct curricula being discussed in many educational circles.

Mr. President, I believe many Americans have this concern. I believe many Americans are concerned not just with what Goals 2000 actually states, but

what they believe it will lead to. Whether their concerns prove to be unfounded is not the point.

What Members of this body ought to focus on is the fact that our constituents are, in fact, concerned. And, education, as much as any public policy area, demands community support and consensus building. As long as people feel they have lost control of education—control of such a critical, life-forming part of their children's lives—we will never achieve that kind of support.

Fourth, the bill will provide the underpinning for more litigation.

Mr. President, last summer several education hearings on finance and equity were held during which some witnesses made it clear that the reallocation of Federal education resources was high on their agenda.

Attorney Jonathan Wilson, who served on the National Council on Education Standards and Testing, has explained that one way to achieve such a reallocation is through litigation. He succinctly explained why the opportunity-to-learn standards are not truly voluntary:

You can say that it's voluntary, but it won't be. I'm a lawyer—all I need from you to get me into court that I don't have now is [school delivery] standards. Because I have got state law that constitutionally says that you have got to provide an adequate education, and the thing that keeps me from going to court is I don't have a measure for what that is. You give it to me, and I'll get things required—not voluntary. \*\*\* [Minutes of Implementation Task Force, NCEST, October 30, 1991]

I do not believe anyone in this body really wants education policy to be made by the courts.

I do not believe anyone in this body really wants to burden States and local school districts with achieving opportunity-to-learn standards. I find it ironic that while the rest of this bill is so results oriented, the opportunity-to-learn standards are the epitome of input measures.

In conclusion, Mr. President, I know that many Members of the House and Senate may vote for this bill because it is an education bill. There is some fear that if they oppose this bill that they will be vulnerable to political attacks by those who will say that opposition to Goals 2000 is somehow synonymous with opposition to education.

Mr. President, nothing could be further from the truth. This bill does not deal directly with anything that affects the daily classroom existence of students and teachers and parents.

To be against this bill is not to be against education or education reform. To be against this bill is to be against widening the gulf between scarce Federal resources and the schools and teachers this money ought to be going to.

To be against this bill is merely to be against the method that President

Clinton has chosen for improving American education. To be against this bill is only to be against centralization of educational decisionmaking and the homogenization of educational programming through national standards.

Mr. President, we have incredibly committed people working in and for our schools, battling poverty, malnutrition, crime, and drugs in their attempts to educate and engage young people. We ought to be putting the \$422 million authorized in this bill into Chapter 2, job training, vocational education, drug education, library services, or any other effort that will more directly and more immediately assist those individuals. To be against this bill is merely to be against spending more money on Federal institutions and less money in classrooms.

Mr. President, we ought to trust our State and local school boards and school administrators, our State legislatures and Governors, our teachers and principals, and, most of all, our citizens. I hope we do not pass Goals 2000 because, despite its best intentions, and despite the best efforts of my colleagues to mitigate the many concerns that have been raised, this bill represents a fundamental distrust of the way in which State and local people make and carry out education policy.

I, for one, Mr. President, trust Utahns to do what is right for Utah schools and Utah children. These students—who include my grandchildren—represent Utah's future. As their senator, I want to support Utahns engaged in all the aspects of the education enterprise. I do not want to see their own Federal Government second-guess their needs, priorities, or action plans.

#### CLOSING STATEMENT

Mr. DURENBERGER. Mr. President, before we complete action on this legislation, I would like to briefly discuss several important improvements that have been made in this bill since it was first introduced.

I would also like to call attention to several school-to-work programs now underway in Minnesota which have helped me personally understand the importance of this legislation to the future economic security of this Nation.

And, finally, I must comment briefly on the need to continue to draw on the experience and expertise of States like Minnesota—as this legislation is implemented and as we seize other opportunities to reform and improve education and job training programs later this year.

The interest and enthusiasm for this legislation in my home State, Mr. President, was a major factor in my decision to become its lead Republican cosponsor. I have learned a great deal from the Minnesotans who have advised me on this legislation over the past year. And, I believe those who will

implement this bill from the national level would be wise to continue to listen to those at the State and local level who have a great deal to teach us all.

#### IMPORTANCE OF LISTENING TO EMPLOYERS

One of the things I have learned from Minnesotans, Mr. President, is that any School-to-Work Opportunities Program must include extensive involvement by employers. That lesson was brought home to me in the results of a survey conducted recently by the Minnesota Business Partnership, which has been among the employer groups that has been most supportive of youth apprenticeships and other ways of better preparing young people for work.

In a recent Partnership survey of over 300 Minnesota businesses, nearly two-thirds of those surveyed said that a typical high school education is no longer good enough for today's business standards. The survey also found that:

Job applicants who have only a high school diploma are eligible for only half the positions being offered.

Even fewer jobs are available to those young people who do not have high school diplomas.

More than half the employers in the Twin Cities believe today's job applicants lack adequate basic skills such as reading, writing, and math.

Employers in nearly 90 percent of Minnesota manufacturing firms and 80 percent of nonmanufacturing firms agree that technical qualifications are more important now than they were 10 years ago.

Two-thirds of Minnesota employers believe today's workers need a strong background in technology in order to succeed in today's business environment.

More than 90 percent of Minnesota employers in both manufacturing and nonmanufacturing companies said they would like graduates to be certified as meeting a minimum set of standards, and that they would be more likely to hire applicants who had been certified.

#### A BROAD DEFINITION OF SCHOOL-TO-WORK OPPORTUNITIES

Mr. President, another important lesson I've learned from the educators, employers, labor officials, and State government officials who have advised me on this issue is that we must include a broad range of activities in our definition of school-to-work opportunities supported and encouraged by this legislation.

Ideally, school-to-work programs represent a fundamentally different approach to teaching and learning that links the school and community. Such programs must therefore be considered an integral part of K-12 education reform. And, although youth apprenticeships and other more formal manifestations of school-to-work programs begin in the latter years of high school, less formal ways of exploring careers and

learning workplace skills should begin much earlier—in elementary, middle, and junior high schools.

To help meet that goal, this legislation now adds language I suggested which includes career exploration and counseling beginning prior to the 11th grade as a required component of school-based programs. Ideally, these programs will begin in elementary schools and be integrated into the school curriculum.

Examples of such components of school-based programs include job shadowing, mentoring, internships, service learning, use of outside speakers and career forums, field trips to local employment sites, and student entrepreneurship programs such as student-run community businesses and junior achievement.

Because of my strong interest in the National and Community Service Trust Act, Mr. President, I'm especially hopeful that the service learning opportunities funded under that legislation will be viewed as an important opportunity to explore possible future occupations at young ages.

And, I'm hopeful that there will be close collaboration between those running community and service learning programs and those designing local school-to-work programs funded by this legislation.

Mr. President, establishing links with after-school, weekend, and summer work opportunities also represents an important opportunity to expand the reach of school-to-work programs to the millions of today's young people who have part-time jobs.

In Minnesota, for example, 69 percent of high school juniors and seniors are employed part time, working an average of 22 hours per week. Yet, there is virtually no linkage between the potential for learning job and life skills through these jobs and the formal school curriculum.

To begin bridging that gap, this legislation now includes language I suggested that authorizes establishment of links between part-time employment and the school curriculum as an allowable activity for local partnerships using State subgrants. Examples of such activities include career counseling, student peer group discussions, mentoring and student-teacher-employer seminars.

#### IMPORTANCE OF SHARING INFORMATION AMONG STATES AND COMMUNITIES

Mr. President, because of the large number of States that are now implementing a variety of school-to-work program models, it will be important that successful programs be identified and information on them broadly disseminated. In addition, there are research, evaluation, and other opportunities for States to work together to design and promote replication of successful school-to-work programs.

While this legislation envisions the Departments of Education and Labor

providing national leadership and coordination, it intends that a major portion of this capacity building be done on a decentralized basis. This would include using existing research, evaluation, technical assistance, training, and communication capabilities that are available through nonprofit organizations, intergovernmental organizations, academic institutions, and other resources located around the country.

To take advantage of these opportunities, several sections of the bill authorize the Secretaries of Labor and Education to use demonstration grants, contracts, or other means to fund research, demonstration and other projects, evaluation program programs and training and technical assistance.

Under language I suggested, special authority is also now granted the Secretaries to establish a clearinghouse and capacity building network to collect and disseminate information on a variety of aspects to school-to-work programs including innovative curriculum, research and evaluation, and skill certificates, standards and related assessment methodologies.

#### EXAMPLES OF SCHOOL-TO-WORK OPPORTUNITY PROGRAMS IN MINNESOTA

Mr. President, during the January recess, I had the opportunity to meet personally with individuals who are involved in four different school-to-work programs in my own State.

The first of those programs is an ongoing program coordinated by the Minnesota Teamsters Service Bureau called the workplace literacy project.

This program is actually a partnership between the Teamsters Service Bureau and the Northeast Metro Technical College, several different unions and a number of employers in the trucking, hospital, and telecommunications industries. It has received funding from the U.S. Department of Education.

The trucking project was completed earlier this year and was of assistance to drivers in obtaining their commercial drivers license which is now a requirement of Federal law for all drivers in the trucking industry. Under this project, 275 employees received training, including some nondrivers working for the same employers who received training in calculator math and basic computer schools.

The hospital project has involved between 400 and 500 employees in four Twin Cities area hospitals. Job classifications receiving training have included nursing assistants, orderlies, dietary technicians and aids, food service, housekeeping, central stores and hospital facilities maintenance. In addition to Teamsters, this project has also included extensive involvement of members and leadership from the Service Employees Union. The hospitals involved include North Memorial, University of Minnesota, Abbot-Northwestern, and Riverside Medical Center.



The telecommunications project is now being launched and is expected to provide training for 275 to 325 telecommunications workers in Locals 7200, 7212, 7250, and 7290 of the Communications Workers of America. AT&T is the cooperating employer.

In all three of these projects, the goals are to design and offer skills-related minicourses that will help employees upgrade basic job skills and adapt to changing circumstances in the workplace.

In the hospital project, for example, many employees are learning skills that will allow them to assume broader responsibilities or more into more demanding positions. In a number of cases, these employees are positioning themselves to adapt to cost-saving strategies their hospitals now have underway.

Mr. President, the second Minnesota school-to-work project I met with during January is the Skills for Tomorrow High School. This exciting project, headed by former Minneapolis Alderman Tony Scallon, will open this spring using Minnesota's charter schools law. The school—to be initially housed at Minneapolis Technical College—will employ youth apprenticeships as a central part of its curriculum.

The Skills for Tomorrow High School is backed by a broad coalition including the Minnesota Business Partnership, Teamsters Service Bureau, Rockford and other Twin Cities area school districts, University of Minnesota College of Education, and Minneapolis Technical College.

Students at Skills for Tomorrow High School will use a variety of means to help prepare themselves for work. In addition to completing a traditional high school degree, they will have the chance to explore careers and job training opportunities through postsecondary programs and youth apprenticeships at participating businesses.

Mr. President, during the recent January recess, I also had the opportunity to meet with the steering committees of two youth apprenticeship projects that are now developing programs that will help prepare young people for careers in health professions.

The first of these projects is in the Minneapolis-St. Paul area and involves a partnership that includes several area hospitals, Johnson High School in St. Paul and Roosevelt High School in Minneapolis, unions representing hospital employees, State government officials, and others.

And, the second includes hospital representatives, educators, labor officials, and others in the Duluth-Cloquet area.

The Duluth-Cloquet project is unique in its emphasis on improving skills to address unemployment or low paying employment on the nearby Fond du Lac Indian Reservation.

Currently almost 60 percent of Cloquet Public School students and 95 percent of Fond du Lac Ojibwe School students do not pursue education beyond high school.

To begin to address the need for additional education that prepares these students for good paying jobs, a youth apprenticeship program is now being designed that focuses on several different occupational areas including health care.

In what is called the health care cluster, occupational areas will include licensed practical nurse/associate degree registered nurse, therapist assistant—occupational and physical, dental hygienist, operating room technician, radiologic technologist, pharmacy technician, and respiratory care technician.

The entry level wages for occupations including in the Duluth-Cloquet program range from \$8 to \$15 per hour. The selected occupations also offer significant opportunities for advancement.

Mr. President, all four of these school-to-work projects in Minnesota are just the kind of initiatives this legislation is designed to support and encourage. I personally intend to continue to monitor these projects as they go forward. And, I'm hopeful that they and many others in Minnesota and other States will help address the serious need we have in this country for skilled workers in jobs that assure those workers and their families economic security and a bright future.

#### THE NEED TO CONTINUE TO LISTEN AND LEARN AS WE MOVE FORWARD

Finally, Mr. President, let me close with a few comments on the need to view this legislation in a larger context.

Later this year, we will have the opportunity to consider legislation reauthorizing the Elementary and Second Education Act, as well as a major Clinton administration initiative on job training and retraining.

I hope we will not lose sight of the general framework for these initiatives established in the bill we are now about to enact.

My own view is that youth apprenticeships and other school-to-work opportunity programs must be considered an essential component of education reform. I also believe we must be willing to provide stronger links—and eliminate current barriers—between programs that have heretofore been considered the exclusive province of education or job training or the responsibility of private employers.

My own preference would be to take down these barriers and give much greater discretion to State and local officials to mix funding sources, level off eligibility requirements, and make whatever other changes are need to address the differing needs and priorities of each State and local community.

As these various initiatives go forward, I hope we will also continue to listen to and learn from the kind of hands-on experts in the field that have meant so much to my own education on this subject.

One such individual is Dale Jorgenson who is the youth apprenticeship coordinator for Minnesota Technology, Inc., and one of the driving forces behind school-to-work opportunities programs in Minnesota.

Dale makes some very important observations in a letter he sent me recently, including the need to make sure we remove barriers that might exist to participating in a youth apprenticeship program for individuals on various forms of public assistance.

In his letter, Dale also points out the difficulty that many smaller employers have in participating in youth apprenticeship programs and the need to consider what financial incentives for employers might be required.

That's an issue that our colleague, Senator GORTON, attempted to deal with in his amendment to this legislation, Mr. President. And, it's an issue we're going to continue to face as the opportunity represented by youth apprenticeships rubs up against hard, cold economic realities.

Mr. President, because a number of important issues and concerns are raised by Mr. Jorgenson's letter, I would ask that it be printed in the RECORD at the conclusion of my remarks.

Let me conclude, Mr. President, by again thanking Senator SIMON, Senator KENNEDY, Senator HATFIELD, and all those who contributed to making this legislation the framework for a new and better way to help prepare all Americans for the future.

We have a good start in this legislation—and in the programs it will support in Minnesota and all across the country. But, to realize its full potential, Mr. President, we have much more yet to do.

I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINNEAPOLIS TECHNOLOGY,  
St. Cloud, MN, January 31, 1994.

Senator DAVE DURENBERGER,  
Minneapolis, MN.

DEAR SENATOR DURENBERGER: I want to thank you in return for the interest that you've shown in the Cloquet/Duluth and St. Paul/Minneapolis programs. I know that you received some good information from the two groups. Just as important to me, however, was the boost you gave the groups by recognizing them as part of your Minneapolis connection in the school-to-work transition design. They feel very good about the opportunity you gave them to meet with you, and I know they've already sent you some additional comments on the subject. I hope that all of it is helpful to you for the upcoming debate in the Senate.

I wanted to add several comments of my own. As I mentioned at the meeting in Du-

luth, I have concerns regarding some of the broader issues. One of them is with adult learners that for one reason or another are living on public assistance. I hope they have access to any and all programs that are developed and that they will not lose any of their benefits as a result of being compensated while in an apprenticeship program. Another area of concern is high poverty areas that may receive some opportunity grants for training programs. While training is certainly important, the larger issue may be economic development for those areas. Training individuals without having local opportunities could drain the area of its human assets, which in the long run could further depress the area. Finally, in my development of programs at the local level the biggest challenge by far has been getting businesses interested and involved. In the long term I think they will come to understand that it is imperative that they actively support school-to-work programs. In the short term, however, I sense that some incentive may be needed to get them involved. This could be targeted job tax credits or other types of assistance. I also would like to see the many national business organizations brought together to discuss the issues with other organizations, such as the Chamber of Commerce, to identify possible strategies and advantages for development of programs at the local level.

I am convinced that business needs to be in the drivers seat on school-to-work transition programs. They are the customer for the product (the student) and must push education and others to break out of their traditional molds. I read somewhere a quote that said, "Companies must leverage an investment in training into a competitive advantage. In our new economy, people must be treated as assets to be developed in order to add value, not as costs to be reduced." I believe this, and support your efforts to develop a school-to-work transition program for the United States.

Sincerely,

DALE J. JORGENSEN,  
Youth Apprenticeship Coordinator.

Mr. DOMENICI. Mr. President, we voted earlier today on final passage of S. 1361, the School-to-Work Act. I voted against this bill, and I want to explain my concerns.

I agree that we need to do a better job meeting the needs of our students who are not college bound. Fifty percent of our young people do not go on to college, yet our public resources are devoted almost exclusively to those who do. In the meantime, 70 percent of the jobs in the United States do not require a college education.

I, too, think we need to improve the school-to-work transition, particularly in those areas where skills require constant modification and updating as technology becomes available. However, I am not convinced that this bill is the way to do it.

I believe we should focus our efforts more on consolidating the innumerable existing programs into one coherent system, rather than implementing yet another new program. Many of my colleagues have argued that this is not a new program and that consolidation of existing programs is one of this bill's objectives. However, it seems to me in-

dicative of the Congress' need to create a new program first, then assess later. I fear this will become another standalone program alongside our other job training programs that need consolidating themselves. We are, in effect, supplementing, rather than supplanting what needs fixing. I see very little in this legislation to satisfy me otherwise.

We spend more than \$24 billion each year on 154 employment and training programs. Let's look at providing some real incentives for consolidating existing programs before we create program No. 155.

Mr. SMITH. Mr. President, I rise today to express my opposition to the pending legislation, the so-called Goals 2000 educational reform bill.

I applaud the effort on behalf of our children that this bill represents. However, as a school board member and chairman for 6 years, I feel that this particular piece of legislation takes the wrong approach to the reform that our schools desperately need.

During the Charlottesville Conference that served as the seed of the Goals 2000 legislation, our Nation's Governors agreed that a key to improving our schools was local flexibility and control. It is my fervent belief that little will result from this pale shadow of the original goals concept apart from a new, rigid Federal education bureaucracy that will stifle innovative reform efforts at the grassroots level.

Supporters of this bill claim that this is not so—compliance with the provisions of the bill is strictly voluntary. In fact, the word "Voluntary" is used in the Goals 2000 legislation no less than 75 times, as if merely repeating the word so often would make it so. However, as many have already pointed out, there is little about this bill that is truly voluntary.

Goals 2000 would set up new bureaucracies in the form of the national educational goals panel and the National Education Standard and Improvement Council [NESIC], which would be charged with developing national content and performance standards. States would have to conform to these standards in order to qualify for a share of the \$400 million in grants authorized by Goals 2000.

This is coercion; States looking for additional funding streams for their educational systems will find it next to impossible to resist the political pressure to apply for these funds, and therefore submit themselves to the dictates of the NESIC. It is difficult to fault States for seeking to recover some of the tax dollars they send to Washington.

It is additionally clear that after these standards are in place, further attempts will be made to link all Federal funding to State compliance. When the Senate takes up the Reauthorization of the Elementary and Sec-

ondary Education Act, my colleagues will notice that we are already sliding down the slippery slope toward mandatory compliance with Federal standards. On page 18 of the "Improving America's Schools Act of 1993," the ESEA reauthorization bill, States are required to submit a plan that either first "is integrated with the State's plan—under title III of the Goals 2000: Educate America Act" or second, is integrated with other State plans under ESEA. The sequence here is important; I believe it heralds future attempts to require States to comply with national standards as a condition for receiving any Federal education funds.

In effect, then, what we are doing in the name of the noble goal of creating better educational opportunities for our children, is laying the groundwork for a national school board that will use the power of the purse to dictate standards to our schools. This is not right, and is exactly what opponents of the creation of the Department of Education were afraid of.

In conclusion, I believe that this piece of legislation will help carry us toward a future where local school systems surrender their authority to a powerful Federal educational bureaucracy, where decisions regarding curriculum, teacher training, and school spending are made in Washington. This will draw us away, I'm afraid, from our goal of making our schools work.

I urge my colleagues to vote against this dangerous and shortsighted legislation.

Mr. CHAFEE. Mr. President, I would like to take a moment to discuss my grave concerns with the Helms amendment adopted by the Senate last week.

The essence of the Helms amendment is as follows:

No funds made available through the Department of Education under this act, or any other act, shall be available to any State or local educational agency:

Which has a policy of denying, or Which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis \* \* \*.

This amendment at first glance may sound quite reasonable: It seems to say that no school may prevent a child from engaging in constitutionally protected prayer in school; and any school that does so will lose its funding. For those of us who believe strongly that the right to exercise one's own religious beliefs, free from interference, is one of the single most important guarantees of our Federal Constitution, this amendment may appear reasonable, and indeed, attractive.

But upon closer inspection, this amendment is fraught with danger, and I believe my colleagues need to query whether this amendment achieves its purported goal.

First point: The key to this amendment lies in three words: "constitutionally protected prayer." If schools



are to comply with the amendment's direction, obviously they must understand exactly what constitutes "constitutionally protected prayer." Yet this is a question that the courts have wrestled with for decades. The first amendment simply says "Congress shall make no law respecting an establishment of religion"—but it does not define what kind of school prayer crosses that line. This area of constitutional law is far from settled; debate rages on today.

This issue is particularly close to home for Rhode Islanders. Our State was founded by Roger Williams in 1636 as a result of a desire for freedom from Government sponsorship of religion. Moreover, the last time the Supreme Court addressed a school prayer case was in *Lee versus Weisman*, a 1992 decision involving the Nathan Bishop Middle School in Providence, RI. From this case we in Rhode Island have learned first-hand just how unsettled this area of constitutional law is.

The *Lee versus Weisman* case involved whether or not a clergyman's benediction at Nathan Bishop's graduation ceremony violated the first amendment. The case was filed in June 1989. In January 1990, the district court judge ruled that the benediction violated the Constitution. In July 1990, a divided first Circuit Court of Appeals upheld the district court decision by a 2 to 1 vote. The school board appealed to the Supreme Court, and in June 1992, the Court handed down a final decision. That final decision was by a 5 to 4 vote.

Thus, after 4 years of litigation and three court rulings, at last a final determination was made on Nathan Bishop's benediction: In this particular case, the benediction was found to violate the Constitution.

After all this, did this decision clear up the many uncertainties about prayers in our schools? By no means. Just 6 months after the *Lee* decision, a Fifth Circuit Court ruling that seemed to directly contradict the *Lee* ruling was nonetheless reinstated. Other cases continue to be brought, as public schools across the Nation adopt—or don't adopt—some form of prayer and are challenged.

The quandary this continuing unresolved question has created for school administrators is perhaps best exemplified by the following example:

About 1 year after the Supreme Court's *Lee* decision, a group called the American Center for Law and Justice sent a bulletin to 15,000 public school superintendents nationwide. The bulletin stated that—

School officials must understand—that the *Lee* decision in no way diminished the well-established free speech rights of students, including the right to religious speech, and went on to warn that students have a right to include a benediction in their graduation ceremonies.

Three weeks later, the American Civil Liberties Union sent their own

letter to the same 15,000 superintendents strongly countering the assertions made in the American Center for Law and Justice letter, and noting that the ACLU "will be monitoring developments in this area."

What is the school superintendent who receives these mailings to do? According to one legal organization, school prayer is quite constitutional; according to another, it is not. Such mixed signals—and warnings—are a burdensome distraction for school officials, on top of their many other concerns.

Is a student-led prayer permissible? What about a prayer or blessing offered by a clergyman? Can a nonsectarian prayer be read at a graduation ceremony? How about read over the school loudspeaker, at the start of the school day? What about after-school voluntary prayer activities? Each superintendent has to wrestle with these questions.

Moreover, all this is doubly complicated for Rhode Island officials. In our State, the ethnic makeup of our population is rich and varied. For example, 15,500 of our residents were born in Asia; 6,800 were born in South America; and 6,500 were born in Africa. This diverse makeup invariably means that the religious beliefs of our populace—including its children—range widely. It therefore is difficult to ensure that any one single prayer can fit the many religions of our population.

My point is this: This area of constitutional law is muddy, to say the least. The term "constitutionally protected prayer" may sound quite clear. But how exactly is a school to provide for such prayer if legal scholars and the courts—let alone the beleaguered school—superintendent—cannot agree themselves on when a religious verse crosses the line into unconstitutionality?

As an official of the Association of American School Administrators told me:

We're certain this amendment muddies the waters, and the waters already were muddy. The prayer cases of last year were very confusing and from our perspective this will make it worse.

Second point: Although for the above reasons, schools would find it difficult if not impossible to comply with the Helms amendment, the amendment itself offers a very, very compelling reason to somehow achieve the impossible: Loss of Federal education funds.

Of all the tools the Federal Government has at its disposal to encourage States to follow Federal wishes, the loss of Federal funds is perhaps the most powerful. It is no trivial matter; often millions of dollars are involved. Thus, I believe this type of threat—for that's what it is—should be used sparingly, only in those cases where the Federal Government has an extraordinary interest in the public welfare.

For that reason I view the amendment as an example of the worst kind of Federal mandate that Washington hands out. The amendment States clearly that any school not complying with its terms will lose its Federal education grant. Because the education moneys are enormous, the schools would have no choice but to do what Washington demands.

Certainly, Rhode Island would have to bow down to Washington's wishes. Our State's schools receive nearly \$60 million in Federal education moneys—every cent of which would be at risk should this amendment become law. The amendment would mean no more Federal money for 36 programs like Chapter One, Even Start, Drug-Free Schools, Special Education, Vocation Education, and Literacy. Moreover, it could threaten our guaranteed student loans, and any education contracts or discretionary grants that we now receive.

In sum, the Helms amendment asks States to do the impossible, or else risk losing millions of crucial education dollars.

If the amendment is enacted into law, schools from Westerly to Providence to Woonsocket will have no choice but to try to steer a course through the jumble of court rulings in an effort to comply. Given the religious diversity of our State, this inevitably will mean a string of lawsuits alleging that a school is violating the Constitution—exactly what happened to Nathan Bishop.

Do you know what the Nathan Bishop case cost the city of Providence—and therefore the taxpayers? Providence paid a staggering \$110,000 in legal costs—and at the end of the day, after years of legal battles, they lost. The lawsuits that would arise from the Helms amendment will cost the already financially struggling schools dearly and make lawyers rich; \$110,000 of taxpayers' money spent on lawyers is \$110,000 less spent on books and instruction.

I believe this amendment is born of the fact that many people want very much to allow religious values into public schools—but that in many cases, the courts' interpretations of the Constitution make that impossible or uncertain. But no matter how strongly one feels, it is foolhardy to vent frustration at the Supreme Court—or for that matter the Constitution—by placing our schools on the horns of a terrible dilemma.

We must and should ensure that all Americans—be they adult or child—are able to freely exercise their religious beliefs without interference. As the history of this Nation shows, religion is and always will be a key element of American life.

But this amendment will not enhance the role that religion plays in children's lives. Instead it will add confu-

sion to an already confusing and convoluted situation, and in the process wreak havoc with our States' efforts to educate our children.

Mr. DURENBERGER. Mr. President, as we conclude this debate on the Goals 2000 proposal, I want to commend the bill's managers for accommodating a number of improvements that I and others have suggested, while still sticking to the underlying objectives of this legislation.

I also want to point out several important provisions in this bill which need to be strongly supported in conference if this legislation is to retain the kind of broad bipartisan support that it will need to become law.

There has been a great deal of discussion during this debate, Mr. President, about the need to reform the education system—a system that is showing serious signs of distress, signs that include:

Low test scores compared to our international competitors;

Rising levels of violence that threaten both students and teachers;

Severe financial pressures that are closing schools, forcing layoffs, cutting valuable programs, and raising average class sizes; and

Teacher strikes and high rates of turnover in top administrative positions, especially in our Nation's largest urban school systems.

As we try to address these problems, Mr. President, we must remember that every local school system is different. And, we must not forget that most of the responsibility for organizing and funding schools lies at the State and local level.

That means uniform national solutions won't solve these problems, as much as we in the Congress or administration might want to help.

I'm also not convinced that more money will do the job—at least not within the current system.

We're already spending something like \$200,000 per classroom in New York City's Public Schools.

That should be enough. But, too much of it is going to central administration bureaucrats, to one of the Nation's largest police departments, to one of the Nation's largest food service companies, to assistant superintendents and deputy curriculum directors and all the rest.

The same is true here in Washington, DC, where a task force headed by Alice Rivlin a couple of years ago found that a third of the employees of the D.C. school system work—not in neighborhood schools—but in the central administration downtown.

Every school system in this country doesn't face the same challenges we see in New York or Washington. But, too many are part of a system that desperately needs real reform.

#### EXPECTATIONS FOR REFORM AT CROSSROADS

Mr. President, I have placed a high personal priority over the last 5 years

on using my position on the Senate Labor Committee to help define a positive and effective Federal Government role in support of State-based education reform.

Following the 1992 election, I looked forward to accelerating that effort with both a President and Secretary of Education who were among the first, and best, of the 1980's crop of education Governors.

It's within that context that I have followed closely the introduction and evolution of President Clinton's Goals 2000 initiative. I, and many others, have suggested a number of changes in the President's proposal. And, because of those changes, this is a different and better bill.

As this dialog has gone forward, Mr. President, it's also been clear that we don't yet have consensus in the Congress on what role the Federal Government should play in support of State-based education reform.

In part, my concern reflects the experience we had in conference 2 years ago, as we attempted to reconcile differences over the Neighborhood Schools Improvement Act—S. 2. I do not want to see the President's Goals 2000 proposal succumb to the same fate—lacking strong bipartisan support and lacking a significant affirmative constituency outside the Washington Beltway.

Without such support—especially from Senate Republicans and from Governors in both parties—we could easily repeat our previous experience with S. 2. And, although I don't welcome the thought of another legislative stalemate, I agree with those who argue that "no bill is better than a bad bill."

#### SENATE BILL SHOWS DEFERENCE TO STATE AND LOCAL INITIATIVES

Fortunately, Mr. President, the legislation now before us includes a number of features that support and show deference to State and local education reform initiatives.

For example, one very positive feature in Goals 2000 is the provision allowing States to use State-level improvement funds to support public school choice initiatives, including information and referral programs; and to support the establishment of innovative new public schools, including magnet schools and charter schools.

Under language I suggested, local school districts may now also use a portion of their grant funds to support innovative new public schools.

A second positive feature of this legislation, Mr. President, is the discretion it gives the Secretary of Education to waive planning requirements for States that have already done comprehensive and systemic improvement plans.

It's my expectation, Mr. President, that the Secretary will use this authority broadly to offer States maximum

flexibility in meeting the planning requirements of the bill—both in the incorporation of previous planning and in the use of existing State structures that have prepared those plans. We should not second guess the methods used by States to achieve the results articulated in the legislation.

Mr. President, a third positive feature included in this bill is its national leadership section that directs the Secretary of Education to disseminate information on outstanding examples of local and State-based education reform through a variety of means such as publications, electronic and telecommunication media, and conferences.

It's my hope that Secretary Riley and his successors will use this authority in much the same way it was used by his predecessor, Lamar Alexander. Through use of the bully pulpit, a Secretary of Education, especially one who is a former Governor, can do a great deal to highlight outstanding examples of reform and to urge their replication or adaptation elsewhere.

#### WAIVERS FROM FEDERAL RULES AND REGULATIONS

Mr. President, I'm especially pleased that this legislation now includes several significant opportunities for States and local school districts to get out from under the burdens of Federal rules and mandates.

Under an amendment that Senator HATFIELD and I authored, up to six States will be able to seek broad authority to waive both Federal and State mandates—rules and regulations that now stand in the way of doing what teachers, principals, and parents now must be done to improve their schools.

Minnesota is leading the rest of the country in replacing accountability for schools that's now based on inputs—like how many hours students have to be in the classroom and how many days have to be in the school year—with standards that reward schools based on what students actually learn. For that reason, I'm very hopeful that Minnesota will be one of the six States chosen to participate in the demonstration Senator HATFIELD and I authored.

Mr. President, I want to emphasize the fact that this legislation places certain fundamental protections off-limits from this waiver authority and also requires that those seeking waivers demonstrate that the underlying objectives of the regulations being waived will not be jeopardized.

To monitor whether that commitment is maintained, we will need a more localized, manageable, and effective alternative accountability mechanism for schools and districts that receive waivers. Ideally, that alternative accountability mechanism will be local and results oriented.

One such alternative is now embodied in the laws of States that have author-



ized charter schools. Although these laws vary, they generally allow public schools to operate free of most rules and regulations in exchange for a multiyear, results oriented performance contract with a State or local education agency or some other public body.

This arrangement keeps accountability with an entity that can provide effective oversight. It keeps the number of deregulated schools that need to be monitored by each oversight agency relatively low. And, it shifts the focus of accountability from input-oriented rules and regulations to contractually agreed to results.

Clearly, the waiver provisions contained in the Goals 2000 proposal will take some time to fully implement. And, I would hope that, as these provisions are implemented, alternative accountability mechanism—including an oversight role for State or local education agencies, a clear focus on results, and the use of contracts or other formal agreements between deregulated schools and the State or local education agency—will be given a fair test.

I also hope that the more general subject of the role of Federal waivers in education reform, including how those waivers are granted and administered, will be given additional consideration in this year's reauthorization of the Elementary and Secondary Education Act.

#### OPPORTUNITY-TO-LEARN STANDARDS COULD COUNTER DIRECTION OF REFORM

Finally, Mr. President, let me comment briefly on the provisions in this proposal that authorize so-called opportunity-to-learn standards.

As Senator KENNEDY knows, I have been among the most strident critics of these standards. I have not been alone. And, I know that the administration, the Nation's Governors, and many others have worked hard to reach agreement on several important changes to clarify the role that opportunity-to-learn standards will play in meeting the objectives of this bill.

I strongly support retaining those changes, Mr. President. And, I am pleased that the Senate did not agree to the amendment offered and withdrawn during this debate by my distinguished colleagues from Illinois and Minnesota. That amendment would have required States to adopt and implement opportunity-to-learn standards.

The way in which opportunity-to-learn standards have now been limited by this bill are very important to me, Mr. President, and to many of my colleagues, as well as to Governors, State and local education officials, and school reform leaders all around the country.

I strongly believe we must retain these provisions in conference. And, I will vigorously oppose any efforts to

change the limitations the bill now placed on opportunity-to-learn standards as we reach a compromise on these and other differences with the House.

In approaching the conference, Mr. President, I have identified five important limitations I believe must be drawn around these standards:

First, compliance with opportunity-to-learn standards must be strictly voluntary. And, there must be no link between achieving such standards and eligibility for Federal education improvement funds or funds authorized by chapter 1 or other Federal programs.

Second, compliance with a uniform and mandatory list of opportunity-to-learn standards must not be considered a prerequisite to being held accountable for tough, results-oriented academic standards.

Third, meeting opportunity-to-learn standards must be viewed as only one of a number of alternative strategies available to State and local education agencies and to schools in achieving academic standards.

Fourth, we must accept the reality that all schools and communities are unique. Therefore, we must recognize that some opportunity-to-learn standards may contribute to achieving performance standards in some schools or communities and other opportunity-to-learn standards may make that contribution in others.

And, finally, States and local districts and schools must be able to decide which opportunity-to-learn standards may contribute to achieving academic standards in their unique circumstances.

I believe these limitations are consistent with the legislation now before us, Mr. President. But, during the upcoming conference committee deliberations with the House, I intend to make sure that those limitations are not violated.

To repeat what I said earlier, we are now at a critical crossroads in designing a proper and effective Federal role in support of State-based education reform.

This Senator would like very much to be able to support a conference committee agreement that achieves that objective.

But, this Senator will not hesitate to oppose, with any and all means available, a conference committee report that runs counter to that objective and that does more harm than it does good.

#### PROPOSAL, AS MODIFIED, DESERVES SENATE APPROVAL

Having noted the various improvements that have now been made, Mr. President, I am prepared to vote to approve S. 1150.

I'm pleased with the authority it gives States and local school districts to increase parent choices and help start innovative new public schools.

I strongly support the authority this legislation grants the Secretary to grant waivers to States, districts, and schools that are stifled by input-oriented rules and regulations and are now willing to be held accountable for what students actually learn.

And, I believe the changes that have now been made in the provisions dealing with opportunity-to-learn standards need not stand in the way of the important reforms now taking place in education all over America.

At the same time, Mr. President, I've noted those issues that might cause me to oppose a conference committee agreement on this legislation.

I also believe we must realize the limitations of this legislation and the reality that achieving the goals it would make law will require the leadership of States and the dedicated efforts of teachers, parents, students in every community in this Nation.

Real reform in education will not result just from changes in Federal law or Federal programs. But, the legislation we are now considering could help establish a framework within which that real reform can, and must, now take place.

Mr. KENNEDY. Mr. President, we are on the threshold of an important moment for education reform in this Nation. When we pass this bill today, with strong bipartisan support, we will be changing the way the Federal Government supports the revitalization of local schools in every school district in America.

We will also have ended congressional gridlock on education reform, for not only have we passed Goals 2000, education reform legislation, the first such legislation that has successfully made its way through Congress since the national goals were set in 1989, but today we will also act on the Safe Schools Act, and the Office of Educational Research and Improvement legislation, a bill that has been waiting passage for 3 years. This morning we passed the School-to-Work Act.

In passing Goals 2000, we will have successfully responded to the challenge of Eileen Shakespeare, a dedicated teacher at the Fenway School in Boston, who told me last month:

If I could ask you to take a single message back to Washington, it would be this: Please have a sense of urgency about what we are doing here with students, and help us.

This bill responds to that plea. It is a major step toward meeting the urgent needs of hundreds of thousands of innovative teachers and students and school administrators in every community in America.

We are sending a new and different partnership to support innovative and creative educators in classrooms across the country.

Goals 2000 will establish new standards informing schools about what every student should know in core sub-

jects like English, history, mathematics, and science.

It provides new leadership and a new blueprint for school reform by moving Federal, State, and local governments in the same direction on education.

It increases flexibility for States and school districts by waiving regulations that impede reform.

It emphasizes the importance of quality teaching.

It supports expanded involvement of parents and communities in local school reform.

It assures accountability by emphasizing results and the importance of assessing school and student progress.

It keeps education decisionmaking where it belongs—at the local level—with parents, teachers, and local educators.

It will bring lasting improvements to the quality of the work force by promoting the development of occupational standards intended to ensure that workers are the best trained in the world.

Above all, it promotes bottom-up school reform by supporting activities at the local school level. If the Pentagon can conduct a bottom-up review to get its house in order, so can education.

I commend my colleague from Vermont, Senator JEFFORDS, for his impressive leadership on this essential bill. He has worked skillfully and tirelessly in this bipartisan effort. I thank also Senators MITCHELL, PELL, and KASSEBAUM, without whom this bill certainly would not have moved so smoothly through the Senate.

This has been a long and deliberate process. In 3 days, we have adopted 50 amendments, 46 by voice vote. We have rejected only one. I think we have made this a better bill, but have left its essence intact: a framework for high academic standards, locally developed and implemented with our support.

And so I commend all of my colleagues for taking this needed step toward education reform. We owe no less to the Nation's children, their teachers, and their schools.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Illinois [Ms. MOSELEY-BRAUN] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois

[Ms. MOSELEY-BRAUN], would vote "aye."

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM], and the Senator from Texas [Mrs. HUTCHISON] are necessarily absent.

I further announce that, if present and voting, the Senator from Texas [Mr. GRAMM] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 25, as follows:

[Rollcall Vote No. 34 Leg.]

#### YEAS—71

Akaka	Exon	Mikulski
Baucus	Feingold	Mitchell
Biden	Feinstein	Moynihan
Bingaman	Ford	Murray
Bond	Glenn	Nunn
Boren	Gorton	Packwood
Boxer	Graham	Pell
Bradley	Harkin	Pryor
Breaux	Hatfield	Reid
Bryan	Heflin	Riegle
Bumpers	Hollings	Robb
Byrd	Inouye	Rockefeller
Campbell	Jeffords	Roth
Chafee	Kassebaum	Sarbanes
Cochran	Kennedy	Sasser
Cohen	Kerrey	Shelby
Conrad	Kerry	Simon
Danforth	Kohl	Simpson
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Domenici	Lieberman	Wellstone
Dorgan	Mathews	Wofford
Durenberger	Metzenbaum	

#### NAYS—25

Bennett	Grassley	McConnell
Brown	Gregg	Murkowski
Burns	Hatch	Nickles
Coats	Helms	Pressler
Coverdell	Kempthorne	Smith
Craig	Lott	Wallop
D'Amato	Lugar	Warner
Dole	Mack	
Faircloth	McCaIn	

#### NOT VOTING—4

Gramm	Johnston
Hutchison	Moseley-Braun

So the bill (H.R. 1804), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses on H.R. 1804. The Chair is authorized to appoint conferees.

The Presiding Officer (Mrs. FEINSTEIN) appointed Mr. KENNEDY, Mr. PELL, Mr. METZENBAUM, Mr. SIMON, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mr. WELLSTONE, Mr. WOFFORD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. THURMOND, Mr. HATCH, and Mr. DURENBERGER.

The PRESIDING OFFICER. Under the previous order, S. 1150 is indefinitely postponed.

#### UNANIMOUS-CONSENT AGREEMENT—H.R. 3759

Mr. MITCHELL. Madam President, I ask unanimous consent that on Wednesday, February 9 at 10 a.m., the Senate proceed to the consideration of H.R. 3759, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MITCHELL. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar items numbered 614, 615, 616, 617, and 618.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### DEPARTMENT OF LABOR

J. Davitt McAteer, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

James A. Joseph, of Virginia, to be a member of the Board of Directors of the Corporation for National and Community Service for a term of 5 years. (New position.)

Shirley Sachi Sagawa, of Virginia, to be a Managing Director of the Corporation for National and Community Service. (New position.)

#### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Stuart E. Weisberg, of Maryland, to be a member of the Occupational Safety and Health Review Commission for a term expiring April 27, 1999.

#### ACTION AGENCY

James A. Scheibel, of Minnesota, to be Director of the ACTION Agency.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### REPORT OF PROPOSED RESCIS- SIONS OF BUDGET AUTHORITY— MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to



the order of April 11, 1986, to the Committee on the Budget, to the Committee on Appropriations, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Armed Services, to the Committee on Energy and Natural Resources, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Foreign Relations, to the Committee on Finance, to the Committee on Labor and Human Resources, and to the Committee on Environment and Public Works.

*To the Congress of the United States:*

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling \$1.6 billion, three revised rescissions of budget authority. The total of the rescission proposals included in this special message is \$1.6 billion. When combined with rescissions that went to the Congress on November 1, 1993, there are \$3.2 billion in rescissions pending before the Congress.

The details of the revised deferral, which affects International Security Assistance, are contained in the attached report. The proposed rescissions affect International Security Assistance Programs; the Departments of Agriculture, Defense, Energy, Housing and Urban Development, State, Transportation, and the Treasury; the General Services Administration; the National Aeronautics and Space Administration; the Board for International Broadcasting; the National Science Foundation; and the Nuclear Regulatory Commission.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 7, 1994.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2091. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-164 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2092. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-165 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2093. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-166 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2094. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of

D.C. Act 10-167 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2095. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-168 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2096. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-169 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2097. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-170 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2098. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-171 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2099. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-172 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2100. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-173 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2101. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-180 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2102. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-181 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2103. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-182 adopted by the Council on January 4, 1994; to the Committee on Governmental Affairs.

EC-2104. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2105. A communication from the Acting Archivist of the United States, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2106. A communication from the Acting Archivist of the United States, transmitting, pursuant to law, the annual report concerning records management activities for fiscal year 1992; to the Committee on Governmental Affairs.

EC-2107. A communication from the Attorney General, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2108. A communication from the Secretary of the Mississippi River Commission

(Corps of Engineers), Department of the Army, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2109. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Analysis of the District of Columbia Water and Sewer Utility Administration's Fiscal Year 1992 (Revised) Financial Plan"; to the Committee on Governmental Affairs.

EC-2110. A communication from the Chairman of the Advisory Commission Intergovernmental Relations, transmitting, pursuant to law, the annual report for calendar year 1993; to the Committee on Governmental Affairs.

EC-2111. A communication from the Postmaster General, transmitting, pursuant to law, the annual report for fiscal year 1993 and the comprehensive statement on postal operations; to the Committee on Governmental Affairs.

EC-2112. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2113. A communication from the Executive Officer of the National Science Board, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2114. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2115. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2116. A communication from the Director of the Office of Financial Management, General Accounting Office, transmitting, pursuant to law, the report of the actuarial valuation for the Comptroller General's retirement system for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2117. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2118. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2119. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2120. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2121. A communication from the Administrator of the Small Business Adminis-

tration, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2122. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2123. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the semi-annual report of the Office of Inspector General for the period April 1, 1993 through September 30, 1993; to the Committee on Governmental Affairs.

EC-2124. A communication from the Manager (Benefits Communications), Ninth Farm Credit District Trust Committee, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Governmental Affairs.

EC-2125. A communication from the Comptroller General of the United States transmitting, pursuant to law, notice of the reports and testimony for December 1993; to the Committee on Governmental Affairs.

EC-2126. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2127. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2128. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2129. A communication from the Acting Secretary of the American Battle Monument Commission, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978; to the Committee on Governmental Affairs.

EC-2130. A communication from the Comptroller General of the United States, transmitting, pursuant to law, notice of a bid protest during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2131. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2132. A communication from the Acting Administrator of the Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the annual report under the Chief Financial Officers Act for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2133. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2134. A communication from the Executive Director of the Office of Navajo and

Hopi Indian Relocation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2135. A communication from the Chairman of the National Endowment For the Humanities, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2136. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a compilation of General Accounting Office reports and testimony issued during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2137. A communication from the Chairman of the Arctic Research Commission, transmitting, pursuant to law, a report entitled "Arctic Research and the United States"; to the Committee on Governmental Affairs.

EC-2138. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report and notice of expansion of denial of Federal Benefits Project Clearinghouse; to the Committee on Governmental Affairs.

EC-2139. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2140. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report in compliance with the Inspector General Act Amendments of 1978 for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2141. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Governmental Affairs.

EC-2142. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report under the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-2143. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2144. A communication from the Acting Staff Director, Commission on Civil Rights, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2145. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

EC-2146. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1993; to the Committee on Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 3759. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

S. 1608. A bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on November 1, 1993, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended.

S. 1832. A bill to rescind certain budget authority proposed to be rescinded in a special message transmitted to the Congress by the President on February 7, 1994, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PELL (for himself and Mr. JEFFORDS) (by request):

S. 1835. A bill to provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE:

S. 1836. A bill for the relief of John Mitchell; to the Committee on Armed Services.

By Mr. RIEGLE (for himself and Mr. MACK):

S. 1837. A bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PELL (for himself and Mr. JEFFORDS) (by request):

S. 1835. A bill to provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL EDUCATION STATISTICS ACT OF 1994

• Mr. PELL. Mr. President, on behalf of the Clinton administration, I am pleased to introduce the National Education Statistics Act of 1994. The bill is a reauthorization of authority for the National Center for Education Statistics [NCES] and the National Assessment of Educational Progress [NAEP], which provide meaningful information on the educational achievement and progress of American students.



For more than 25 years, I have called for both tough, challenging standards and high quality assessments in general education. To my mind, they are the keys to effective and widespread reform. The Goals 2000 legislation moves clearly in the direction of establishing voluntary national content and performance standards for all students. The National Education Statistics Act follows suit in reauthorizing administration of NAEP or the national test as it has been called. The bill calls for greater flexibility in implementation of NAEP and strengthens the Advisory Council on Education Statistics. To my mind, the bill's overall thrust moves in the right direction.

I am concerned, however, that the linkage between NAEP and any national content or performance standards be clear and strong. To my mind, it is important that we report NAEP results in a way that relates them directly to valid and reliable performance standards. This, in turn, will aid States and localities in making the difficult but necessary decisions required of them in building a system of education whose hallmark is excellence. It is my hope that specifically in this area we may be able to strengthen the legislation submitted by the administration.

Mr. President, if we cannot ascertain where we are in education, it will be very difficult to agree where we should be going. In that regard, the Clinton administration's National Education Statistics Act merits strong support and enactment.

• Mr. JEFFORDS. Mr. President, on behalf of the Clinton administration, I join my colleague, Senator PELL, to introduce the National Education Statistics Act of 1994. This bill provides for the reauthorization of the National Center for Education Statistics [NCES] and the National Assessment of Educational Progress [NAEP].

As is usually the case, legislation authorizing information collection and statistical reporting does not make the headlines. NCES and its congressionally mandated NAEP project may be one of the best-kept secrets in American education. For the past 25 years, NAEP assessments have provided one of the only measures we have of how, or if, student achievement has changed. With the demand for high standards and the need for improved student learning NAEP's role becomes even more important. Furthermore, the increased attention to student academic outcomes have led to increased attention to, and demands for, improvement in NAEP assessments, scoring methods, and survey needs.

State and local educators are designing standards for what our children must know and be able to do to be ready for the next century. We, in turn, must have a mechanism to measure how students are faring so that we can

then assist them in meeting the demands of the future. This reauthorization provides Congress the opportunity to reevaluate NAEP and NCES and ensure that both programs continue to provide reliable data necessary to gauge the education achievement of this Nation. •

By Mr. DOLE:

S. 1836. A bill for the relief of John Mitchell; to the Committee on Armed Services.

MEDAL OF HONOR FOR JOHN W. MITCHELL

Mr. DOLE. Mr. President, I rise today to introduce a bill which will correct a mistake of the past. This mistake involves the wrongful denial of our Nation's highest military honor to a distinguished American—John W. Mitchell.

In 1943, the United States Navy was intercepting the encrypted messages of the Japanese Armed Forces. Unbeknownst to the Japanese, the United States had broken the enemy code. On April 16, 1943, a message was intercepted that indicated Adm. Isoroku Yamamoto, chief of the Japanese combined fleet, would be visiting Japanese troops on several of the Solomon Islands on April 18, 1943. Admiral Yamamoto was Japan's foremost naval strategist and the architect of the surprise attack on Pearl Harbor. At 6 a.m., December 7, 1941, over 300 Japanese aircraft left the flight decks of their aircraft carriers bound for Pearl Harbor. Although the attack took less than 2 hours, the cost to the United States was great. In all, the fleet at Pearl Harbor lost 18 warships, including the battleships *Arizona*, *West Virginia*, and *California*. Over 4,200 Americans were either dead, wounded, or missing.

Upon learning of Admiral Yamamoto's plans to visit the Solomons, Admiral Nimitz ordered Adm. Marc Mitscher, commander air, Solomon Islands, to intercept Yamamoto's plane. Maj. John W. Mitchell, commander of the 339th fighter squadron, volunteered for the mission. On the morning of April 18, 1943, Major Mitchell led 18 P-38's from Guadalcanal Island on what would later be called the "longest fighter intercept in history." Flying over 494 miles, only 50 feet off the water, they intercepted Yamamoto's plane and its escorts over Bougainville Island, precisely as Major Mitchell had planned. Major Mitchell's unit downed Yamamoto's plane as well as that of his chief of staff and three Zero fighters. All but one of Mitchell's squadron returned to Guadalcanal.

Admiral Mitscher recommended that Major Mitchell and four other pilots receive the Congressional Medal of Honor, our Nation's highest military honor. However, this recommendation was denied. At the time, awarding the Congressional Medal of Honor to pilots for shooting down two bombers and three fighters might reveal that the

United States knew Admiral Yamamoto was aboard one of the planes and alert the Japanese to the fact that their code had been broken.

John W. Mitchell has served this country with honor and distinction. During service in World War II and the Korean war, he flew over 240 combat missions with 16 confirmed aerial kills. He was the first fighter ace in the 13th Air Force and his decorations include the Air Medal with 9 Oak Leaf Clusters, the Distinguished Flying Cross with 2 Oak Leaf Clusters, the Distinguished Service Cross, the Bronze Star, the Navy Cross, and the Legion of Merit. However, the full extent of his dedication, service, and bravery exhibited on April 18, 1943, has never been recognized.

Mr. President, it is fitting that as we commemorate the 50th anniversary of World War II, we honor Colonel Mitchell. He has waited over 50 years to receive the proper recognition from his country. I ask my distinguished colleagues to support this bill and to bestow this honor upon John W. Mitchell.

By Mr. RIEGLE (for himself and Mr. MACK):

S. 1837. A bill to suspend temporarily the duty on the personal effects of participants in, and certain other individuals associated with, the 1994 World Cup soccer games; to the Committee on Finance.

SUSPENSION OF TARIFFS FOR WORLD CUP PARTICIPANTS

Mr. RIEGLE. Mr. President, I introduce legislation to suspend the duty on the personal effects of participants and others associated with the 1994 World Cup soccer games. This summer, the United States will host the World Cup for the first time ever, a very special privilege for the United States. The World Cup, the largest single sporting event in the world, will include 52 games played in nine cities: Detroit, New York, Washington, Orlando, Boston, Dallas, Chicago, San Francisco, and Los Angeles. These games will have huge positive economic impacts in those cities and the surrounding areas.

Duty-free privileges are an important aspect of hosting an international sporting event. Granting these privileges to World Cup participants will give us the opportunity to reciprocate the hospitality that has been afforded our athletes in sporting events hosted by other countries.

There is considerable precedence for duty-free legislation for international sporting events held in the United States. Duty-free entry privileges were authorized for the 1993 World University Games in Buffalo, the 1990 Goodwill Games in Indianapolis, and the 1984 Summer Olympics in Los Angeles.

The revenue loss caused by the suspension of these tariffs will be negligible, while the positive effects of

continuing the policy of encouraging international sports competitions is great.

I hope my colleagues will join me in supporting the World Cup games and welcoming the athletes from all over the world to our country.

#### ADDITIONAL COSPONSORS

S. 12

At the request of Mrs. FEINSTEIN, her name was withdrawn as a cosponsor of S. 12, a bill to authorize the Secretary of Commerce to make grants to States and local governments for the construction of projects in areas of high unemployment, and for other purposes.

S. 1142

At the request of Mr. HARKIN, the names of the Senator from Illinois [Mr. MOSELEY-BRAUN], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 1142, a bill to improve counseling services for elementary school children.

S. 1329

At the request of Mr. WALLOP, his name was withdrawn as a cosponsor of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

S. 1805

At the request of Mr. WARNER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1805, a bill to amend title 10, United States Code, to eliminate the disparity between the periods of delay provided for civilian and military retiree cost-of-living adjustments in the Omnibus Budget Reconciliation Act of 1993.

#### SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

#### SENATE JOINT RESOLUTION 150

At the request of Mr. SARBANES, the names of the Senator from California [Mrs. BOXER], the Senator from Idaho [Mr. CRAIG], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the

Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. DECONCINI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. EXON], the Senator from Vermont [Mr. JEFFORDS], the Senator from Tennessee [Mr. MATHEWS], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 150, a joint resolution to designate the week of May 2 through May 8, 1994, as "Public Service Recognition Week."

#### SENATE JOINT RESOLUTION 161

At the request of Mr. BUMPERS, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate April 1994, as "Civil War History Month."

#### SENATE CONCURRENT RESOLUTION 59

At the request of Mr. BURNS, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Concurrent Resolution 59, a concurrent resolution expressing the sense of the Congress that any Federal Government mandated health care reform should be on-budget.

#### AMENDMENT NO. 1382

At the request of Mr. STEVENS, his name was added as a cosponsor of Amendment No. 1382 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

#### AMENDMENT NO. 1388

At the request of Mr. HATCH, his name was added as a cosponsor of Amendment No. 1388 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

#### AMENDMENT NO. 1394

At the request of Mr. BUMPERS, his name was added as a cosponsor of Amendment No. 1394 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

#### AMENDMENT NO. 1404

At the request of Mr. BURNS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Amendment No. 1404 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

#### AMENDMENT NO. 1410

At the request of Mr. KENNEDY, his name was added as a cosponsor of Amendment No. 1410 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

#### AMENDMENT NO. 1411

At the request of Mr. KENNEDY, his name was added as a cosponsor of Amendment No. 1411 proposed to S. 1150, an original bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.



## AMENDMENTS SUBMITTED

SCHOOL-TO-WORK OPPORTUNITIES  
ACT OF 1993MURKOWSKI (AND STEVENS)  
AMENDMENT NO. 1434

Mr. MURKOWSKI (for himself and Mr. STEVENS) proposed an amendment to the bill (S. 1361) to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purposes; as follows:

At the appropriate place insert:

## SECTION 1. SHORT TITLE.

This Act may be cited as "Alaska Native Culture and Arts Development Act".

## SEC. 2. ALASKA NATIVE ART AND CULTURE.

Section 1521 of the Higher Education Amendments of 1986 (20 U.S.C. 4441) is amended to read as follows:

"PART B—NATIVE HAWAIIANS AND ALASKA  
NATIVES"SEC. 1521. PROGRAM FOR NATIVE HAWAIIAN  
AND ALASKA NATIVE CULTURE AND  
ARTS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary of the Interior is authorized to make grants for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development to any private, nonprofit organization or institution which—

"(1) primarily serves and represents Native Hawaiians or Alaska Natives, and

"(2) has been recognized by the Governor of the State of Hawaii or the Governor of the State of Alaska, as appropriate, for the purpose of making such organization or institution eligible to receive such grants.

"(b) PURPOSE OF GRANTS.—Grants made under subsection (a) shall, to the extent deemed possible by the Secretary and the recipient of the grant, be used—

"(1) to provide scholarly study of, and instruction in, Native Hawaiian or Alaska Native art and culture,

"(2) to establish programs which culminate in the awarding of degrees in the various fields of Native Hawaiian or Alaska Native art and culture, or

"(3) to establish centers and programs with respect to Native Hawaiian or Alaska Native art and culture that are similar in purpose to the centers and programs described in subsections (b) and (c) of section 1510.

## "(c) MANAGEMENT OF GRANTS.—

"(1) Any organization or institution which is the recipient of a grant made under subsection (a) shall establish a governing board to manage and control the program with respect to which such grant is made.

"(2) For any grants made with respect to Native Hawaiian art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) be Native Hawaiians or individuals widely recognized in the field of Native Hawaiian art and culture,

"(B) include a representative of the Office of Hawaiian Affairs of the State of Hawaii,

"(C) include the president of the University of Hawaii,

"(D) include the president of the Bishop Museum, and

"(E) serve for a fixed term of office.

"(3) For any grants made with respect to Alaska Native art and culture, the members of the governing board which is required to be established under paragraph (1) shall—

"(A) include Alaska Natives and individuals widely recognized in the field of Alaska Native art and culture,

"(B) represent the Eskimo, Indian and Aleut cultures of Alaska, and

"(C) serve for a fixed term."

MISCELLANEOUS TARIFF ACT OF  
1993

## WOFFORD AMENDMENT NO. 1435

(Ordered referred to the Committee on Finance.)

Mr. WOFFORD submitted an amendment intended to be proposed by him to the bill (S. 1711) to suspend temporarily the duty on certain chemicals; as follows:

On page 2, strike line 11 through the end of the page.

On page 8, strike line 7 through the matter ending before page 9, line 1.

## NOTICES OF HEARINGS

## COMMITTEE ON INDIAN AFFAIRS

Mr. INOUE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Thursday, February 10, 1994, beginning at 9:30 a.m., in 485 Russell Senate Office Building on S. 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act; and S. 1066, to restore Federal services to the Pokagon Band of Potawatomi Indians.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO  
MEETCOMMITTEE ON AGRICULTURE, NUTRITION, AND  
FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, February 8, 1994, at 8:30 a.m. in SR-332 on the nomination of Frederick G. Slabach, of Mississippi, to be an Assistant Secretary of Congressional Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, February 8, 1994, at 2:30 p.m., in open session to receive testimony on the Defense authorization request for fiscal year 1995 and the future years' defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Commit-

tee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 8, at 2 p.m. to conduct a hearing on the International Monetary Fund-World Bank policies toward Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., February 8, 1994, to receive testimony from Freta Joy Dicus, Margaret Hornbeck Greene, William J. Rainer, Kneeland C. Youngblood, and Frank G. Zarb, nominees to be members of the Board of Directors of the United States Enrichment Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 11:00 a.m. to hear testimony from USTR Mickey Kantor on the subject of the GATT; and further that the committee be permitted to be met immediately following the conclusion of Ambassador Kantor's testimony to hear and consider the nomination of Mary Ellen Withrow to be Treasurer of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 8, at 11:30 a.m. to hold a nomination hearing on Strobe Talbott, to be Deputy Secretary of State.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, February 8, at 11 a.m., for a nomination hearing on: Edward J. Gleiman, to be member, Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 8, 1994, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## SARAJEVO: OLYMPIC CITY UNDER SIEGE

• Mr. DECONCINI. Mr. President, exactly 10 years ago the eyes of the world were focused on Sarajevo as that city hosted the XIV Winter Olympic Games. Ten years later and after nearly 2 years of shelling, Sarajevo and its Olympic facilities lay in shambles. The city's stadium has been turned into a cemetery, the final resting place for some of the over 10,000 Sarajevans killed since the outbreak of fighting in and around the Bosnian capital.

This past weekend we witnessed yet another attack on innocent civilians in Sarajevo, this one claiming 68 lives and resulting in hundreds of injuries. Again we have heard cries of righteous indignation over this despicable event.

But no amount of hand-wringing is going to bring an end to aggression and genocide in Bosnia and Herzegovina spawned by Serb ultranationalism. Resolute action is required. The difficult options will not get any easier if we allow more time to pass. Will we look back a year from now and bemoan the fact that we did not act earlier?

Over the past 12 months the administration has engaged in endless equivocation, talking tough then backing down at the first hint of resistance. Officials have repeatedly bemoaned the fact that the West missed repeated opportunities to engage early and effectively in ways that might have prevented the conflict from deepening. As one who has consistently advocated the use of selective NATO airstrikes and the lifting of the arms embargo, I couldn't agree more.

How long will we allow the carnage to go on? As NATO fighters fly overhead, the calculated war of Serb aggression and genocide is played out with deadly consequences on the ground. There is only one way to stop the aggressor—and that is by force. It is time for those NATO jets to deliver a clear and long overdue message: we will not allow aggression and genocide to continue any longer. The time for equivocation is over. As witnesses to genocide, we have a moral obligation to intervene. It is time to back up our threats with actions in defense of Sarajevo, an Olympic city under siege. •

# TRIBUTE TO WARNER L. JONES— KENTUCKY AND THE NATION LOSE A GIANT OF THE HORSE RACING INDUSTRY

• Mr. MCCONNELL. Mr. President, as my colleagues know, the thoroughbred industry is vital to my home State of Kentucky. Unfortunately, this past weekend that industry lost one of its pioneers, my dear friend Warner L. Jones.

Warner led what can only be called a full, exciting, and wonderful life. The

world famous Churchill Downs race track in Louisville, KY, was founded on his great-grandmother's land and owes much of its current success to his leadership. He served as a director of the track for over 50 years, and was chairman during the historic track's revival in the 1980's. Warner did not take his commitment to Churchill Downs lightly. In 1969, when the track was in danger of being taken over, he borrowed almost \$300,000 in order to buy more stock and help fend off the bid.

Under Warner and track president Tom Meeker's able guidance, Churchill Downs underwent a \$25 million renovation as well as doubling its revenue. It was also during this time that in 1988 the track hosted for the first time the prestigious Breeders Cup event. It later hosted this exciting day in racing in 1991 and will again in November of this year.

Mr. President, Warner had since 1935 been one of the most influential breeders in America. From his picturesque Hermitage Farm in Goshen, KY, in Oldham County, he bred and housed some of the world's most influential thoroughbreds in the world. He was the only breeder to have ever bred winners in the Kentucky Derby, Kentucky Oaks, and a Breeders Cup race. In 1985, Warner sold one of his yearlings at the annual Keeneland sales for a world record \$13.1 million.

Warner was also active on the legislative end of the business as well, Mr. President. He was one of the creators of the American Horse Council, a national association that represents the industry in Congress. As cousin to our former colleague Marlow Cook of Kentucky, it should come as no surprise that Warner was always diligent and effective in lobbying his industry's many vital interests. In fact, James J. Hickey, Jr., the current president of the American Horse Council, called Warner "one of the most important people in the horse industry in this century."

While this is indeed high praise, it in no way tells the entire story of this great American. Warner Jones was a man whose moral compass was always focused in exactly the right direction. An ardent believer in strong family values, he was a man of unparalleled character, integrity, and charm.

In his native Oldham County, Warner donated some of his property as well as thousands of dollars to the Oldham County Youth Football League. In spite of what some saw as a gruff exterior, Warner was a friend to all and had a particular soft spot for children. In fact, one of his friends said that Warner often carried with him a thank-you letter written to him by some of the kids he had helped get involved with the football league.

Mr. President, a loss like the one the Commonwealth of Kentucky and the horse industry has just suffered is not

easily forgotten. I ask my colleagues to join me in remembering and honoring the significant contributions made during his productive lifetime. Having recently lost my mother, I understand the grief that his family is suffering and, therefore, would like to also extend my deepest sympathies and understanding to his wonderful wife Harriet as she goes through this trying time.

Mr. President, I would like to ask that an article from the February 8, 1994, Lexington Herald Leader be inserted into the RECORD at this point.

(From the Lexington (KY) Herald Leader,  
Feb. 8, 1994)

## DEATH OF HORSEMAN JONES ENDS SPECIAL ERA

(By Billy Reed)

LOUISVILLE.—Before Kenneland's world-famous summer yearling sale, you could usually hear Warner L. Jones Jr. moaning and fretting in that raspy voice of his over what cruel fate might have in store for him.

"My whole business, my success or failure for a whole year," Jones once said, "is decided in three hours on one night of the year at Kenneland. I don't know of any other business where you have that kind of pressure."

Yes, but he thrived on it. At the end of a sale, ol' Warner usually was smiling as he headed back to Hermitage Farm, his five hundred-acre spread just off U.S. 42 in Oldham County, about 20 minutes from downtown Louisville.

In July of 1964, Jones sold a yearling colt for \$150,000, a world record that looked laughable in the summer of 1985, when he sold a Nijinsky-My Charmer colt for \$13.1 million, the current world record and one that's likely to stand forever.

"I knew he was a helluva colt," salesman Jones said. "He was one of a kind, like a precious stone or jewel."

So, too, was Jones, who died Sunday night at the age of 78 after a long bout with cancer. Earthy more than polished, Jones was as shrewd a horseman as ever came down the pike.

His death ends the era that began in the 1940s, when smart, hard-nosed, persuasive horsemen such as Jones, A.B. "Bull" Hancock Jr. of Claiborne Farm and Leslie Combs II came to dominate the breeding world.

They were alchemists with an almost preternatural ability to produce excellent horses, and they loved the challenges of trying to beat the market, the races and, of course, each other.

"It's a fad, like women's hats or something," Jones once said. "You try to guess which stallions will be popular three years away. If I guess right, I'm a genius. If not, I've lost money."

Of all the big-time Kentucky breeders, only Jones didn't live within a 25-mile radius of Lexington, and one reason was his lifelong love affair with Churchill Downs, the home of the Kentucky Derby.

His great-great-grandmother was a Churchill, and Col. M. Lewis Clark, the track president when it opened and held the first Derby in 1875, was an uncle three generations removed.

A Churchill director since 1941, the year Whirlaway won the Derby, Jones was especially proud that he was the first horseman to breed and sell winners of both the Derby (Dark Star in 1953) and Kentucky Oaks (Nancy Jr. in 1967).

After succeeding John W. Galbreath as Churchill's chairman of the board in 1984,



Jones replaced track president Lynn Stone with Tom Meeker, opening the way for the track to undertake the most aggressive remodeling and marketing program in its history.

Of all the changes made at Churchill, Jones' baby was the construction of the turf course in the track's infield, which enabled Churchill to attract the Breeders' Cup and diversify its racing cards.

Typically feisty and combative throughout the campaign to get the turf course done, Jones became exasperated with critics who accused him of not caring about the infield's beauty.

"It's nothing but grass we're talking about," Jones growled, "They're not going to set up Coca-Cola signs and Falls City beer signs in there. There's nothing prettier to look at than green grass and pretty girls."

That was vintage Jones.

Although he always had a wink and a smile for a female he found attractive, Jones seemed most at home in the company of men, where he could argue and joke and tell stories without having to worry about his salty language.

Yet he also gave up drinking years ago and became such a confirmed teetotaler that Churchill employees always were careful about how much they drank around him, for fear of becoming the objects of a stern Jones scowl and a stern Jones lecture.

He hated to lose a game of golf or cards almost as much as he hated to get the short end of a horse deal, but he also could laugh at himself.

For example, he liked to tell about a summer at Saratoga in the 1940s, when he still was getting established and Combs outmaneuvered him to syndicate a stallion that both wanted.

It was a funny story, made more so by the gravel in Jones' voice. Such a voice. When he called, you knew who it was before he identified himself.

And then you listened closely because when it came to the horse business, Warner L. Jones always had something important to say, which is just one of the reasons he'll be so terribly missed. •

#### DR. NEIL P. HYCHE, DISTINGUISHED ALABAMAN, RETIRES

• Mr. SHELBY. Mr. President, in January 1994, upon his retirement as superintendent of education of Tuscaloosa County schools, the Alabama Education Association lost a distinguished and dedicated servant, Dr. Neil Hyche.

Dr. Hyche was born in Northport, AL, in 1931. As a member of the U.S. Army, he spent 2 years stationed in Europe serving his country from 1954-56. He earned a bachelor's degree in secondary education from the University of Alabama in 1959, a master's degree in elementary education in 1963, and his educational doctorate from the university in 1972. He has been an esteemed member of the university and Tuscaloosa communities throughout his life, and through his commitment to education has enriched the community as a whole.

Dr. Hyche distinguished himself through his unwavering commitment to the betterment of the educational system. As a teacher he left an everlasting impression on the many stu-

dents who dwelled in his classroom. After his teaching career, he devoted many years to school administration, including 5 years as a principal in the Tuscaloosa County schools. Since 1986, he has served as superintendent over Tuscaloosa County, where he showed outstanding leadership and was awarded the 1993 District Superintendent of the Year Award.

As an administrator in the Tuscaloosa schools, Dr. Hyche was known for his sense of fairness and for commitment to his students, his faculty, and to the community. He participated in many developmental activities, thereby further increasing his capabilities as an administrator. A few of these activities include: National Association of School Boards, American Association of School Boards, American Association of School Administrators, and the Technology and Learning Conference. Right up to his retirement date, Dr. Hyche constantly strived to reach his maximum potential.

Finally, Dr. Hyche's life exhibits an intense commitment not only to his career, but also to the betterment of his community. He serves in many area leadership positions, and has gained recognition in several. He received the 1989 Conservationist of the Year Award from Woodmen of the World, the Honorary State Farmer Award from the Future Farmers of America in 1988, and he was elected to the board of directors for the American Red Cross and the department of human resources.

Dr. Hyche is truly among the most engaging persons one could ever hope to encounter, and the Tuscaloosa school system will suffer a great loss after his retirement. However, the mark he has made on Tuscaloosa's schools will remain his legacy forever. •

#### WELFARE REFORM

• Mr. CRAIG. Mr. President, I want to add my voice to the calls for welfare reform. There are numerous problems in the system, one of which is outlined in a letter I received recently from the Governor of Idaho, Cecil Andrus, to Secretary of Health and Human Services, Donna Shalala.

In Idaho, June Reid recently experienced the absurdity of our welfare system to the tune of \$3,341. June is a hard-working single mother struggling to make ends meet, while providing her children with a loving home. Mr. President, she does this on her own—without Government help and without child support. June was being forced to pay \$3,341 in public assistance money her ex-husband had accepted to support one of their children. The State was being forced to collect this money because Reid would not go on welfare herself. Mr. President, let this be clear, had she accepted public assistance, the State would not have had to recover the money.

This is a perfect example of how the one-size-fits-all approach of the Federal Government just does not work. We need welfare reform and we need it now.

This situation was luckily resolved by the decisive action of the Governor of Idaho, Cecil Andrus. I applaud Governor Andrus for his commonsense approach to this problem created by the absurdity of Federal regulations. While I commend the Governor, I must also commend June Reid for her strength and values.

As the issue of welfare reform evolves, I hope that my colleagues in the Senate will look at this situation and prevent the creation of a web of regulations. One solution will soon be introduced by my colleague, Senator KASSEBAUM. The proposal would simply relieve States of their portion of Medicaid funding. In return, States would have responsibility for the basic welfare program, Aid to Families With Dependent Children. The savings States would experience from Medicaid would be spent on AFDC without Federal strings, regulations, in a manner they feel is in the best interest of the citizens of that State. There would no longer be a one-size-fits-all program that does not fit anyone, and certainly not rural States like Idaho.

Mr. President, I hope that my colleagues will review this situation carefully, and see the common sense and logic behind the proposal soon to be presented by Senator KASSEBAUM.

I ask that the letter and news article attached be inserted into the CONGRESSIONAL RECORD following my statement.

The material follows:

OFFICE OF THE GOVERNOR,  
STATE CAPITOL,  
Boise, ID, January 28, 1994.

Hon. DONNA SHALALA,  
Secretary of the Department of Health and Human Services, Hubert H. Humphrey Building, Washington, DC.

DEAR MADAM SECRETARY: I write to bring to your attention a federal regulation which absurdly and relentlessly works against the working poor who are struggling to keep themselves and their families independent of public assistance.

A situation was recently brought to my attention regarding Ms. June Reid, a single mother who lives in Post Falls, Idaho, with her two children. Ms. Reid's income is \$720 per month (she has been unsuccessful in her attempts to obtain child support), she does not receive public assistance, and she arranges her work so that she is home with her children when they are not in school.

Several years ago, Ms. Reid's daughter lived for 15 months with Ms. Reid's ex-husband. During that time, her ex-husband—unknown to Ms. Reid—applied for and received public assistance for their daughter. When their daughter returned to live with Ms. Reid, the state of Idaho, acting in accordance with federal regulation, requested repayment from Ms. Reid for the public assistance provided to her daughter while her daughter was in the care of her ex-husband.

Now, it is obvious that Ms. Reid's income makes repayment of the resulting \$3,341 debt

virtually impossible. Equally undeniable is Ms. Reid's determination to support herself and her children without public assistance.

These realities collided when the state of Idaho, while following federal regulation, stood in the ridiculous position of intercepting Ms. Reid's tax refunds and forcing her through years of court battles, asking her to repay a debt she financially could not repay, when the state would have forgiven the debt if Ms. Reid would have accepted public assistance (for which she is eligible).

Lawyers will tell us the state is on solid ground in pursuing repayment from Ms. Reid. Morally, we could not be more wrong.

I agree with you and the President that we must make self-sufficiency more appealing than public assistance. To this end, I submit the following recommended change:

42 U.S.C. §654 State plan for child and spousal support:

"(4) provide that such State will undertake—

"(B) in the case of any child with respect to whom such assignment is effective, including an assignment with respect to a child on whose behalf of State agency is making foster care maintenance payments under part E of this subchapter, to secure support for such child from his parent (or from any other person legally liable for such support), and from such parent for his spouse (or former spouse) receiving aid to families with dependent children or medical assistance under a State plan approved under subchapter XIX of this chapter (but only if a support obligation has been established with respect to such spouse, obligation has been established with respect to the child is being enforced under the plan), utilizing any reciprocal arrangements adopted with other States (unless the agency administering the plan of the State under part A or E of this subchapter determines in accordance with the standards prescribed by the Secretary pursuant to section 602(a)(26)(B) of this title that it is against the best interests of the child to do so), except that when such arrangements and other means have proven ineffective, the State may utilize the Federal courts to obtain or enforce court orders for support, provided, however, that the State shall not undertake to secure support for such child, spouse, or former spouse from a person who would be or is eligible for or is receiving aid to families with dependent children benefits under Title A of the Social Security Act (42 U.S.C. §601 et seq.) for the period during which such person would be or is eligible or is receiving such benefits and to secure support from such person would not be in the fiscal interest of the state or would not be in the best interest of the child(ren) for whom such person owes support;"

Certainly, this is but one way to redress the bureaucratic red tape that keeps well-meaning individuals and families stuck in a system of welfare dependence. It is a constructive step toward welfare reform in general, and one which provides a corrective measure toward this specific example.

In the meantime, I have returned to Ms. Reid the tax refund money intercepted by the state, and I have ordered the Idaho Department of Health cease in its attempts to collect the remainder of the original debt.

With best regards,

Sincerely,

CECIL D. ANDRUS,  
Governor.

WOMAN WINS IN WELFARE FIASCO

(By Cynthia Taggart)

COEUR D'ALENE.—On Gov. Cecil Andrus' order Thursday, the state stopped hounding

a Post Falls woman to repay \$3,341 in public assistance money her ex-husband had accepted to support their daughter.

The governor also ordered the state Department of Health and Welfare to repay June Reid \$1,735 it had applied to the debt last year when it withheld her state and federal income tax refunds.

"I'm speechless, I'm amazed," Reid said Thursday after her attorney, Norm Gissel, told her the governor's office had called him with the news. "This made it all worth it. It's not just getting the money back. That's a bonus. It's getting attention to that law that's great."

The law required Reid to repay the money because she never went on welfare herself. Had she also accepted public assistance, she wouldn't have had to pay.

After Andrus read news accounts of Reid's battle with the state agency, he began asking questions, said Scott Peyron, the governor's spokesman.

"When he was satisfied he knew the facts, he insisted that the department make it right," Peyron said. "The Department of Health and Welfare is beginning to work now on legislation that can be a state-level remedy."

The state sued Reid to recover public assistance money her former husband had accepted while he cared for their daughter. Although eligible, Reid never had applied for public assistance, maintaining that she wanted to protect her family from the welfare stigma.

The child lived with her father for a year and a half before returning to Reid for three years. Reid also supports her son.

Under state law, people who take public assistance to support their minor children do not repay the money. Because Reid was not on public assistance but was the child's mother, the state expected her to repay the money her ex-husband accepted to care for the girl.

When she argued that she had no money and another child to support, Reid was told the only way to stop the growing debt was to join the public assistance program.

Gissel fought the case for Reid in court, but lost three times. Each time, judges agreed Health and Welfare was following State law. Gissel finally decided the law needs to be changed.

On Thursday, Andrus agreed and said the law also needs changing on the federal level. The state stands to lose public assistance money if it doesn't follow the federal requirement to seek repayment whenever possible.

"Nonsense comes in many forms, and this is the latest example of it from the federal government," the governor said in a written statement. "I salute June Reid for her determination to remain at work and not accept public assistance even in the face of this trying and unfair situation."

Andrus promised to introduce legislation at the National Governors Association meeting next week to urge Congress to change a law that requires "states to beat down the doors of people like Ms. Reid who are trying hard to do the right thing."

#### ORDERS FOR WEDNESDAY, FEBRUARY 9, 1994

Mr. MITCHELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Wednesday, February 9; that following the

prayer, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, pursuant to Public Law 102-380, on behalf of the majority leader, and with the concurrence of the Speaker of the House of Representatives, appoints Paul O. Reimer, of California, as a member of the Defense Environmental Response Task Force.

#### RECESS UNTIL WEDNESDAY, FEBRUARY 9, 1994 AT 10 A.M.

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 5:50 p.m., recessed until Wednesday, February 9, 1994, at 10 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate February 8, 1994:

##### DEPARTMENT OF STATE

M. LARRY LAWRENCE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND.

K. TERRY DORNBUSH, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

THOMAS L. SIEBERT, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

SIDNEY WILLIAMS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

##### DEPARTMENT OF LABOR

J. DAVITT MCATEER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH.

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

JAMES A. JOSEPH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 5 YEARS.

SHIRLEY SACHI SAGAWA, OF VIRGINIA, TO BE A MANAGING DIRECTOR OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

##### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 1999.

##### ACTION AGENCY

JAMES A. SCHEIBEL, OF MINNESOTA, TO BE DIRECTOR OF THE ACTION AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

##### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING FRANK ALMAGUER, AND ENDING JAMES R. DEMPSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 5, 1993.